

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

MARCH 1-2, 1990

**JIMMY JENKINS
ACTING CHAIRMAN**

MONROE, LOUISIANA

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
MONROE, LOUISIANA
MARCH 1-2, 1990

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
MARCH 1-2, 1990

Acting Chairman Jimmy Jenkins presiding:

Thursday, March 1, 1990

Don Hines
Bert Jones
Norman McCall
Pete Vujnovich

Secretary Van Sickle was also present.

Friday, March 2, 1990

Don Hines
Bert Jones
Norman McCall
Pete Vujnovich
Secretary Van Sickle was also present

At Thursday's meeting a motion was made to accept the minutes of the February 1, 1990 Commission meeting held in Lake Charles, LA by Mr. Jones. The motion was seconded by Mr. Vujnovich and passed unanimously.

At Thursday's meeting discussion was held on the opening of the offshore shrimp season. Mr. Claude Boudreaux stated that the Commissioners have in their packet a declaration of emergency, proposed notice of intent and proposed rule on the opening of the offshore shrimp season. The department recommends that the season in the part of the territorial sea which is closed to fishing should open on March 12, 1990 and remain open until further notice. Mr. Boudreaux also pointed out that in each of the Commissioner's packet there was material entitled "Management Recommendation Opening of 1990 Shrimp Season in the Territorial Sea". This recommendation is being made because there has not been any real reason found to keep it closed. Several factors were considered which might have caused the department to recommend the season remain closed. One factor that was considered was if the recent freeze had adversely affected the shrimp populations then the season should be closed, but in the opinion of the department the recent freeze did not adversely affect the shrimp population. At Christmas the brown shrimp were offshore in a hundred feet of water or deeper and the white shrimp were offshore from the coast-line out to a hundred feet. Information was received that some shrimpers in the shallow waters were catching dead or dying shrimp but the department believed that most of the shrimp were in deeper

but the department believed that most of the shrimp were in deeper waters and sampling in thirty feet of water lead the department to indicate that even though the surface water in the marshes got very cold, the deeper waters (thirty feet and out) the temperature never got below sixteen-seventeen degrees centigrade which is fine as far as shrimp is concerned. The department also considered that the season should be kept closed if fishing of the shrimp which are now offshore would adversely affect the next generation of shrimp. The department has found no stock recruitment relationship for brown shrimp but there is some indication that there might be a stock recruitment relationship for white shrimp which is not very well defined. Under historical management practices which have included an open territorial sea, the shrimp populations have not been adversely affected and the next generation of shrimp are more affected by the conditions they will reach in the marsh than by the actual number of parent shrimp in the offshore waters stated Mr. Boudreaux.

The one economic reason that was considered if the territorial waters were to be kept closed would be if it was known that the shrimp not caught now would be caught later at a greater size and would be of more economic benefit to the fishery. The shrimp industry is changing and it is a very complex situation. Nearly seventy-five percent of the shrimp consumed in the United States come from imports and each year a larger proportion of these imports come from mariculture operations which can provide shrimp of almost any size on a year around basis. Under these conditions the department cannot say that it is more profitable for the industry to wait and harvest the shrimp later then to harvest them now.

The final consideration and the most significant and important reason for not opening the season would be if the shrimp caught now would be wasted, it that was the case, then the season should be kept closed. The samples that have been taken by the department in the offshore waters in the last couple of weeks indicate that all of the shrimp are a hundred count or larger and in many cases the shrimpers are catching thirty, forty, fifty and sixty count shrimp. The department believes that if the territorial sea is opened now the shrimp that are caught will not be wasted and can be in fact be useful to the industry. Since the department cannot find any adequate reason to keep the offshore shrimp season closed it is being recommended that the Commission open the season on March 12, 1990 concluded Mr. Boudreaux.

Acting Chairman Jenkins called for questions. Mr. McCall asked what were the last dates of the sampling taken. Mr. Boudreaux answered sampling was done off of Grand Isle on Wednesday, February 28; off of Calcasieu on Monday, February 26; and off of Terrebonne Timbalier Wednesday, February 28. Shrimp were found from the coast to three miles out. They were all above a hundred count. Mr. Jones asked what would happen if the state got a big northern that

would blow out a lot of small shrimp from the marsh and would it be a possibility that the latter crop of shrimp would be destroyed if the season is opened. Mr. Boudreaux explained that there are no shrimp in the marsh now and the post larval shrimp are coming in now and they are very, very small and stay in marsh until June or July.

Mr. Boudreaux pointed out that the declaration of emergency gives the Secretary the power to open any special shrimp seasons and if the Commission does go with the second paragraph they might want to delete the word white in the third to last sentence because it was noted that at times there have been special seasons in Chandeleur Sound for pink shrimp. The Commission concurred to delete the word "white".

Mr. McCall made a motion to adopt the declaration of emergency and notice of intent on opening the shrimp season on March 12, 1990 and was seconded by Mr. Jones. The motion passed unanimously

(The full text of the emergency declaration is made a part of the record)

In accordance with emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use the emergency procedures to set shrimp seasons and R.S. 56:497 which authorizes the Louisiana Wildlife and Fisheries Commission to set shrimp seasons seaward of the inside-outside shrimp line, the Louisiana Wildlife and Fisheries Commission on March 1, 1990, adopts the following rule:

In accordance with R.S. 56:497 the shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 is hereby opened at 6:00 a.m., Monday, March 12, 1990. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department shall have the authority to open and close special seasons in the inshore waters for the harvest of shrimp should this harvest be feasible without the destruction of small brown shrimp.

(The full text of the notice of intent is made a part of the record)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to open the shrimp season in Louisiana's offshore Territorial waters and give the Secretary the

power to open special seasons. Said rule is attached to and made a part of this notice of intent.

Consideration of this rule was announced as part of the agenda of the Commission's open meeting held in Monroe, Louisiana, on March 1-2, 1990. Verbal testimony concerning the rule was accepted from all concerned. Additionally, interested persons may submit written comments relative to the proposed Rule to Claude Boudreaux, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000

(The full text of the notice of intent is made a part of the record)

The shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 will open at 6:00 a.m., Monday, March 12, 1990, and remain open until further notice. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department of Wildlife and Fisheries shall have the authority to open and close special seasons in the inshore waters for the harvest of shrimp should this harvest be feasible without the destruction of small brown shrimp.

At Thursday's meeting the upper Ouachita River Channelization Project was brought to the attention of the Commission by Mr. Bert Jones. Mr. Jones stated that the Monroe area shows great concern for the upper Ouachita River since the river runs right through Monroe and West Monroe and he understood there was a group from the Corps that is going to update the Commission on the project. Mr. Jones asked Mr. Paul Barnes, Corps of Engineers, Vicksburg District, Mississippi, to address the Commission on this issue.

Mr. Barnes introduced Mr. Corky Corkern, Chief of the Navigation Field Office in Monroe, Louisiana, who has been working with Mr. Barnes on this project. As of now the project is dormant because there is no money budgeted for this project in the next fiscal year. The Corps of Engineers, at the request of Congressman Huckleby, is preparing an economic reevaluation of the entire project with most of the emphasis being on the benefits to Louisiana. Mr. Barnes showed slides of the project to the Commission which gave the Commissioners an idea of the status of the project. Four locks and dams have been completed and a nine foot navigational channel has been completed Mr. Barnes informed the Commission. Other items of work that are authorized for the project are channel realignment and mooring facilities with emphasis being on the channel realignment work in Louisiana. The design for the Ouatchia-Black River calls for a four barge tow all the way to Crossit Harbor and from there the design calls for just

a two barge tow. Mr. Barnes advised that in conjunction with the project the Felsenthal National Wildlife Refuge and the Darbonne Wildlife Refuge were developed during the period of authorization. Also under this authorization approximately thirty one recreational sites were developed with nineteen being in Louisiana and twelve in Arkansas (five in Felsenthal NWR). The report on navigational work has been submitted to Colonel Skidmore who has tabled it until the Economic Reanalysis is finished and submitted to Congressman Huckleby in Louisiana and Congressman Anthony in Arkansas for their decision to support the project or not and the reason this is important is the construction right-of-way work will be funded from local state funds. The State of Louisiana will provide funds to the Louisiana Department of Transportation and Development for the construction of right-of-ways within Louisiana and then the local Quorum Courts in Arkansas will provide their funds. The Corps has not approached the courts about the Arkansas work because the plan is to do the navigational work in sequence and if the work is not done in Louisiana it will not be done in Arkansas. Concluding, Mr. Barnes thanked the Commission.

Mr. Jones asked Mr. Barnes if basically the whole format for management of the river is strictly for commerce. Mr. Barnes advised that the authority for the project comes under navigation projects. Mr. Jones advised that he has two reasons for concern, one of which is the fact that he does not think the project is justified by the potential commerce that will be seen. Mr. Barnes stated that Congressman Huckleby and Congressman Anthony both have the same concern and as part of the economic reanalysis the Corps put together a questionnaire that is sent out to businesses to find out if there is still interest in towing on the Ouachita River mainly from Crossit Harbor on up and then find out the interest in Louisiana.

Acting Chairman Jenkins, at this point in the meeting, recognized Commissioner Dr. Hines and asked that the record shown that he was in attendance.

Secretary Van Sickle asked Mr. Blue Watson, of the department, to bring the Commissioners up to date on what the department's position has been and what role, regulatory or non-regulatory, the department has in this program.

Mr. Watson advised that the department's primary function in review of these types of projects is triggered by a federal law called U.S. Fish and Wildlife Coordination Act where any federal project or any project that requires a federal permit or expense of federal funds triggers the act which specifies that the state agency responsible for fish and wildlife resources must comment and those comments must be considered. A great deal of the department's effort has been expended in conjunction with the U.S. Fish and Wildlife Service through a report that has to be generated on all of these projects called a Fish and Wildlife Coordination Report.

The department works very closely with the Corps, U.S. Fish and Wildlife Service and with local sponsors. This project has been going on for a long period of time and back in the 70's the Department of Wildlife and Fisheries was in contact with the Corps and U.S. Fish and Wildlife Service but the role that the department played at that time was not very significant. After 1980 the department began to look at the project a little more carefully and had an individual assigned to it and this is when correspondence really began to be generated advised Mr. Watson. The department was not in favor of the project as it was originally proposed and thought it had entirely too much environmental damage and in discussions with the Corps and U.S. Fish and Wildlife Service this project was reduced in scope in Louisiana. The last correspondence the department had with the Corps on this project was August 17, 1984. The methodology that was used at the time the Environmental Impact Statement (EIS) was devised and also the supplemental EIS is methodology that is not used anymore and has been obsolete for some time. Mr. Watson advised that he had some problems with the economic evaluations and is glad to see that this is being reevaluated. The department has not really been in favor of the project but did agree with the Corps of Engineers in its final letter that the reduction in the amount of channel work that was to be done would indeed substantially reduce the environmental damage that would be caused by the project but nowhere in that letter or nowhere has it been said that the department was totally in favor of this project. Concluding Mr. Watson advised this is essentially where the department is and this project faded back in the mid eighties and has been on hold ever since. The individual who was working directly with this project is no longer with the department stated Mr. Watson.

Mr. Jones asked about the number of cutoffs and bend widenings. There are two cutoffs and two bend widenings in Louisiana. Mr. Jones asked about the Environmental Impact Statement on the cutoffs. The original Environmental Impact Statement addressed all of the cutoffs and the supplemental EIS addressed the reduced level but there were still problems with the methodology and it is felt that the methodology that is used today is considerably better than ten years ago. Mr. Barnes advised that the EIS done in 1984 is no longer valid with the type of disposal recommendations that are in place now but since there are no plans yet to construct the project the final EIS has not been prepared but will be prepared in accordance with this type of design. The EIS will be submitted to the EPA and a hearing will be held. Mr. Watson commented that this will give the department an opportunity to utilize the newer methodology and reevaluate it from the department's standpoint.

Mr. Jones stated that he really thinks that the overall project is not directed correctly. The economic impact will not be how many barges will be pulled through the area but will be the recreation and tourism that will come to the area. Mr. Jones stated that he thinks the position should be reevaluated on the management of the

river because it is not going to be economically feasible to barge materials up the river and be competitive. If it would have been this would had been done already commented Mr. Jones. Mr. Jones asked about the tonnage of materials on the river.

Mr. L. C. "Corky" Corkern, Corps of Engineers, addressed the Commission on the tonnage. The tonnage on the part of the river that is completed has not gone down to nothing but has increased from around three hundred thousand tons per year to over a million of tons per year. Tonnage cannot be moved where barges cannot go. The tonnage when the locks and dams were completed on the upper river started increasing until the controversy started and the lack of commitment on the part of completing the project. In Mr. Corkern's opinion it is unfair to say "give us the tonnage and we will give you the river". Tonnage cannot be moved efficiently when you cannot get around the bends with more than one barge. It takes the same amount of fuel to push four barges as it does one basically so the cost is the same yet the return is cut in half or down to a fourth advised Mr. Corkern. In the part that has been completed, the tonnage has increased and it is not fair to say that the tonnage has depleted after the nine foot channel. The depth of water was not the controlling thing but the bend widenings and being able to get around the bends are the controlling factors. Mr. Corkern thinks that consideration should be given as to whether or not there will be any tonnage up there, not that it has decreased because they could not get there.

Mr. Travis Howard, West Monroe, addressed the Commission. Mr. Howard has lived and farmed on the Ouachita River since 1927. Mr. Howard advised that at the last meeting that was held with Congressman Huckaby both commercial departments, Monroe and West Monroe, were represented and they have not had one single company that could use this project. Mr. Howard stated that some of the materials that the barges carry are very dangerous. Mr. Howard is against the project.

Mr. Ray Wright, property owner on Ouachita River, Ward Nine. Mr. Wright stated that he has not sat on the banks of the river and counted the barges but all he has noticed is about two or three a week. Personally, Mr. Wright cannot understand the millions and millions of dollars that are being spent for the small economic return that the area is suppose to get from the improvement of this river.

Dr. Michael Caire, West Monroe, member of Save the Ouachita River Environment addressed the Commission. Dr. Caire stated that the question here is what is in the best economic benefit for Louisiana, what is in the best environmental benefit, how can it be brought about and is there proper balance. Dr. Caire believes that the Corps had done an excellent job on trying to do environmental mitigation for their primary goal which has been a nine foot navigation channel. This does not justify spending

another forty million dollars to bring in economic growth to the area for navigation if the navigation is not going to be in the best interest of the area. The economic interest of recreation and tourism has spontaneously grown along the Ouachita River. When the Save the Ouachita Environment group met with Governor Roemer they asked him not to just come out against the Ouachita River bend widenings for their environmental aspects it was also pointed out that the river and its relatively natural state has one of the potentials of being part of the best economic benefit of the area because recreation and tourism is one of the best industry in both Arkansas and Louisiana. Before there is any further expenditures of state funds the Save the Ouachita Environment groups is asking that the Ouachita River be evaluated as being managed primarily for wildlife and recreation as one of the equations before any more public money is spent in construction of this navigation project. The Corps project that they are talking about reevaluating is how the economic benefits of the primary navigation project are still there. It is still felt that until one of the legitimate questions being asked and being studied and being presented is what happens if the Ouachita River is managed primarily for wildlife and recreation. Dr. Caire thinks this is where the interest is and this is what is going to be in the best economic interest to the area. Dr. Caire concluded that he hopes that the Commission could support some sort of resolution to manage the Ouachita for wildlife and recreation.

Mr. Jones read a letter that Congressman Huckaby wrote to him in which he expressed his opposition to any channelization, bend widening or cutoff work being done on the Ouachita River by the Corps of Engineers in Louisiana. Congressman Huckaby has asked the Corps to restudy the economic viability of the project which they are now doing. Mr. Jones stated that the Ouachita is a beautiful river and it needs to be kept that way and he was in favor of getting Mr. Don Puckett, Legal Counsel, to work on a resolution that would show a need for redirection of the way the Corps manages the river and its management be primarily concerned with wildlife, habitat, fisheries and economics from this as opposed to straight barge commerce. Mr. Jones made a motion that Mr. Puckett prepare a resolution pertaining to Ouachita River matter. The motion was seconded by Mr. McCall and passed unanimously.

Mr. Barnes advised that Colonel Skidmore is going to meet with the Louisiana Congressional Delegation this weekend and first part of next week. The main concern that the Corps has with this project is that it was authorized in 1950 with the development of the recreational and mitigation prior to the navigation the Corps realizes there may be a different aspect to this project. What the Corps of Engineers has to face now is that there is a navigation authorized project that if the authorization of this project changes there will be some implications to this and the Corps is trying to find out what kind of implications there would be. The

Corps will need the help and support of others with this and the one aspect that the Corps wants to ask the public to deal with is not the destruction of the environment since the Corps of Engineers has gone to necessary steps to take care of it, but the economics of the environmental aspect. Mr. Barnes stated that they need to work together and the more the Corps of Engineers is blasted the worst the situation becomes.

Mr. Wright asked Mr. Barnes if there was any data in relation to the money involved in recreation, fishing and hunting and whatever that is spent which would all be taxable dollars versus the money that would be spent by industry in the navigation of the Ouachita River? It was stated that the only thing the Corps has is the recreational figures of how many people actually utilize existing recreational areas. The department has nothing.

At Friday's meeting Mr. Jones stated that on the agenda for Thursday's meeting there was a report on the Upper Ouachita Channelization project and through Mr. Puckett's efforts he has come up with a resolution that resulted from the discussion yesterday. Mr. Jones read the resolution and made a motion that the Commission adopt this resolution. The motion was seconded by Mr. McCall and passed unanimously.

(The full text of the resolution is made a part of the record)

WHEREAS, the Ouachita River is an important regional state and national resource, both for fish and wildlife and public recreational purposes; and

WHEREAS, it is the belief of this Commission that the highest and best use of the river and the lands and waters contained within the Ouachita-Black Navigation project is for fish and wildlife and public recreation.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby recommends and supports the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, primarily for the purposes of fish and wildlife conservation and management, and public recreation.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission supports and recommends that the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, be a cooperative effort of the U.S. Corps of Engineers, the U.S. Fish and Wildlife Service, the Louisiana Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission, and the Arkansas Fish and Game Commission

At Friday's meeting a notice of intent on reef fish, rules and regulations for take and possession was presented to the Commission by Dr. Jerry Clark. Dr. Clark handed each Commissioner a notice of intent and fiscal and economic impact statement on the reef fish rule. Dr. Clark reported that in 1979 the Gulf of Mexico Fishery Management Council took up the question principally of red snapper because at the time there was concern for the red snapper fishery and they began a reef fish plan starting from scratch. It was not until 1984 that the reef fish plan was put into place and the only thing that was done effectively was a minimum size was put on red snapper. Since 1984 the fishery has continued to decline. Dr. Clark pointed out to the Commission what has been happening to red snapper throughout the Gulf in both commercial and recreational landings since 1980. The red snapper fishery is probably in a lot of trouble and the latest words that Dr. Clark has heard from the new stock assessments is that this year's stock assessment is going to be even worst. The rules that the Commission will be putting in place today the Gulf Council will be taking up at their next meeting or the meeting after that and the department will probably be back before the Commission in six months to do something even more restrictive. In 1987 the Gulf Council took up the question of reef fish again. The Council has been working on reef fish for the last two years and produced the amendment for reef fish. Dr. Clark explained that the notice of intent is a whole series of minimum size limits, bag limits for the reef fish complex and this is the staff's proposal to deal with this issue. These are identical to the federal regulations that were published in the Federal Register on Monday, January 22, 1990 to the extent that the department's lawyers say that the department has regulatory authority. There are lot of others things in the Federal Register that the lawyers say the department does not have regulatory authority over, such as long lines, buoy fishing, etc. If the department goes to the legislative session and gets the regulatory authority then the department will come back to the Commission with proposed regulations. Two days ago a letter was received by the department from the Chairman of the Gulf of Mexico Fishery Management Council asking the state to do this in support of their attempts to save the reef fish fishery in the Gulf of Mexico Dr. Clark advised the Commission. Dr. Clark added that this is the flip side of the shrimp amendment problem explaining about the state having the hundred count in the white shrimp fishery and the federal zone does not which causes the state not to be able to enforce their law. The state has asked the federal government to do this and they are in the process of doing this for us. This reef fish regulation is the flip side of this. Very few of these fish are taken in state waters and if these rules are not put in place then any boat in state waters that is stopped by a federal agent can say they caught all the fish in state waters and the feds will not be able to enforce their law. So, to make if the reef fish concept work for the feds the state needs to be in concert,

just like they are trying to do for us on the shrimp fishery stated Dr. Clark.

Dr. Clark commented on the fiscal impact statement which says this will not have any economic impact on the state. This has to do with the curious nature of this fishery and that is that ninety nine plus percent of these fish are taken in federal waters. This is a true statement if you applied these rules only to state waters. If someone was caught in state waters and tried to employ these rules and those fish were caught in state waters you would only be talking about something less than one percent of the catch explained Dr. Clark. Dr. Clark advised the Commission that it has been his belief, and he had talked to Mr. Puckett about this, that in a couple of places in the impact statement should be added "However these rules are in concert with federal rules that will have an economic impact." which is done for full information sake. This document has specific estimates of the cost to Louisiana of the imposition of the federal rules. The department is proposing to amend the fiscal impact statement to include that information not as a fiscal impact of the rules that the Commission are about to adopt but to tell people that this is a package deal concluded Dr. Clark.

Acting Chairman Jenkins asked if the Commission had any questions on the reef fish regulations. Dr. Hines stated that he was just wondering how a person who goes saltwater fishing is going to stay legal with all the sizes, limits, etc. Dr. Clark advised that materials should be prepared on all the regulations and deliver them to coast from where people leave out so that they may have information on all the regulations.

Secretary Van Sickle asked about jewfish and the fifty inch total length. The Gulf Council has asked for a band on jewfish harvest, total. The fish gets to be a thousand pounds and are very vulnerable to harvest because they are like elephants out there advised Secretary Van Sickle. There has been a lot of support, ninety percent of letters on jewfish have been from recreational fishermen and divers, and asked that something be done. In the Federal Register over the past twenty days there has been an announcement of a notice of intent on the federal side to ban the harvest of jewfish which will be an amendment to the amendment of the plan. Secretary Van Sickle recommended to prevent having to go back through all this shouldn't the state just go ahead and ban jewfish. Dr. Clark stated that he certainly does not object to this and the only reason this was not done was to be very careful and not jump the gun and write a rule that was incorrect or have the feds do something that the state did not do and for caution sake this has not been done. It is still possible that the federal regulation on jewfish might be turned down by the Secretary. Dr. Hines suggested that this would be another incident where the state would be in conflict with the federal rule so just stay with what they are and change it when the time comes. Secretary Van Sickle

asked if the proposed rule could be amended upon ratification by the Commission in ninety days if the federal rule does pass during the time. Mr. Puckett advised that it can be changed between the notice of intent and final rule.

Dr. Clark pointed out that in the notice of intent in the paragraph pertaining to charter boats and head boats the language has been taken out of the Federal Register and put it into the paragraph but there were a couple of definitions that have not been pulled out that Law Enforcement Section has asked to make a part of it. Mr. Puckett has suggested that basically we do not pull the language out but just reference to the Federal Register by notice that this is what is going to be done. Mr. Puckett's suggested changes are the following: "For charter vessels and head boats as defined in federal regulations 50 CFR, Part 641, as amended by F.R. Volume 55, Number 14 there will be an allowance for up to two daily bag limits on multi day trips." and scratch everything else.

Mr. Puckett advised that for the benefit of the fishermen for informational purposes the definition of charter vessels and head boat can be recited in the rule that would be promulgated so that the fishermen would not have to go to the federal regulations to see how it is defined.

Mr. McCall asked if this would affect the commercial fishermen. Dr. Clark answered yes it does and if you look at the notice of intent right under greater amberjack there is a paragraph which says "All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit." This will affect the commercial fishermen but not differently than they are already going to be affected by the federal rules. Mr. McCall stated he had understood Dr. Clark to say that one-third of the red snapper caught in the gulf are caught in shrimp nets but they are not landed. Dr. Clark answered yes, they are taken as bycatch and they are shoveled overboard. Dr. Hines asked about people who possess a permit issued by the NMFS, what can they catch; larger catch, smaller catch. Dr. Clark stated that this was part two of the additional information that he needed to add. Part of the federal rules are overall quotas for commercial fishermen and the department is also proposing that state close the commercial fishery when those quotas are met. However, it is the Secretary's authority that will principally be used to do this because these are Gulf wide quotas and the Secretary has the authority to close for biological reasons for whatever those reasons are. An insert is being proposed into the explanatory part of the rule which will be for informational purposes only which will read "The Secretary of the Department of Wildlife and Fisheries also expresses the intent to close the commercial fishery once the Gulf quota has been reached under authority of R.S. 56:317." Anyone who has a reef fish permit can participate in the commercial fishery and land

under these quotas which might include shrimpers. These are the Gulf wide quotas: Red Snapper - 3.1 million pounds; Deep Water Grouper - 1.8 million pounds (yellowedge, misty, warsaw, misty snowyedge); Other Groupers (except jewfish) - 9.2 million pounds (red grouper, nassau, black, yellowmouth, gag, etc.). Anyone with a federal permit can use legal gear and land under these quotas but once these quotas are met it is the intent that the Secretary will close the commercial fishery for those species in Louisiana in support of the federal closure. Dr. Hines asked what would happen if the Secretary doesn't close the state waters and the federal waters are closed. Dr. Clark stated that it would be illegal to fish in the federal waters but not state waters so anyone who would go out at night and fish federal waters and hope that they can make it back to state waters with their catch could legally land in Louisiana if the state doesn't also close. Secretary Van Sickle pointed out that the NMFS has only one agent to enforce federal laws between Texas and Louisiana so Louisiana's enforcement is critical. Mr. Vujnovich stated that he had attended a meeting with the National Marine Fisheries and the gentleman that was doing the presentation stated to the fishermen that if they were thinking of making a living in the future in the offshore fishing industry the government will tell you how much to fish, when to fish and how to fish and advised anybody who was thinking of building a new boat don't do it. Dr. Clark commented that he thinks this is unfortunate because there are a lot of things going on right now in the Gulf that could lead to some very good changes and does not believe this is necessarily a true statement. Mr. Vujnovich stated that he did not believe this either because there are a large number of fish out in the Gulf that have not even been tapped for commercial resources.

Acting Chairman Jenkins called for a motion on the reef fish resolution and notice of intent. Mr. McCall made motion to adopt the resolution and notice of intent and seconded by Dr. Hines. Acting Chairman Jenkins asked if anybody would like to comment on the proposed rule.

Mr. Jerry Hightower addressed the Commission. Mr. Hightower asked how the federal government verifies and how the state government verifies when the quota is reached. Secretary Van Sickle answered that on this particular rule each of these fishermen that obtain a permit are required to report to the federal government every fish that they catch. On the red snapper the quota will just apply to the commercial fishermen and they will have to report to the federal government to keep a permit. They will be monitored and are checked twice, one they have to submit a report and two they are spot checked by agents that work cooperatively between the state and federal government (Port Agents) that go in and do surveys at the dock to determine what the average number of fish is being brought to shore by commercial fishermen. And under Louisiana's new law the dealer, first point of sale, will have to report it. Mr. Hightower asked if this worked the same way for

speckled and red fish. Secretary Van Sickle stated that the department just started requiring the dealers reports in January so the state's reports have not been used yet for a quota but in the past the other two ways have been used to monitor the quotas. Mr. Hightower asked if the department felt like they have all the doors closed and that the report is accurate. Secretary Van Sickle stated no she would not say that and explained the procedure of how the quotas are figured out. This is the best that any fishery agency in the country can do at this point stated Secretary Van Sickle.

Acting Chairman Jenkins called for a vote on the motion to adopt the reef fish resolution and notice of intent. The motion passed unanimously.

(The full text of the resolution is made a part of the report)

WHEREAS, reef fish are managed under the federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, and

WHEREAS, recent stock assessments by the National Marine Fisheries Service have indicated that the reef fish resource in the Gulf of Mexico are in need of additional protection, and

WHEREAS, this fishery management plan establishes bag limits and size limits for reef fish taken in the federal waters of the Gulf of Mexico, and

WHEREAS, the Gulf of Mexico Fishery Management Councils have requested that the Gulf States adopt reef fish regulations compatible with those contained in the federal fishery management plan, and

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that pursuant to the authority granted by Section 326.3 of Title 56 of the Louisiana Revised Statutes, the Louisiana Wildlife and Fisheries Commission expresses its intent to establish bag limits and size limits for reef fish consistent with those scheduled to be implemented under the Federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

BE IT FURTHER RESOLVED, that the complete contents of the proposed rule establishing bag limits and size limits for reef fish is attached to and made a part of this resolution

(The full text of the notice of intent is made a part of the record)

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations on snapper, grouper, sea basses and amberjack in Louisiana's territorial waters. The measures are to be consistent with federal regulations which are designed to restore declining stocks of these species.

The proposed measures include minimum size limits and recreational bag limits as follows:

<u>Species</u>	<u>Recreational Bag Limits</u>
Red Snapper	7 fish per person per day
Queen, mutton schoolmaster, blackfin, cubera, gray dog, mahogany, silk, yellowtail, wenchman, and voraz snappers	10 fish per person per day (in aggregate)
All groupers	5 fish per person per day (in aggregate)
Greater amberjack	3 fish per person per day

All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit.

A person subject to a bag limit may not possess during a single day, regardless of the number of trips or the duration of a trip, any reef fish in excess of the bag limits.

For charter vessels and headboats, as defined in Federal Regulations 50 CFR Part 641 as amended by FR Vol. 55, No. 14, there will be an allowance for up to two daily bag limits on multi-day trips provided the vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

<u>Species</u>	<u>Minimum Size Limits</u>
Red snapper	13 inches total length
Gray, mutton and yellowtail snapper	12 inches total length
Lane and vermillion snapper	8 inches total length

Red, Gag, black, yellowfin,
and nassau grouper

20 inch total length

Jewfish

50 inches total length

Greater amberjack

28 inches fork length
(recreational)
36 inches for length
(commercial)

Black seabass

8 inches total length

Authority for adoption of this rule is contained in Sections 326.1 and 326.3 of Title 56 of the Louisiana Revised Statutes.

Interested persons may submit comments relative to the proposed rule to: John E. Roussel, Marine Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

The Secretary of the Department of Wildlife and Fisheries ;has authority to close any fishery if it is in the best interest of the state under R.S. 56:317 and intends to close the commercial fishery for red snapper and/or grouper once the Gulf quotas are met.

Federal regulations 50 GFR Part 641 as amended by FR Vol. 55, No. 14, defines charter vessels and headboats as follows:

Charger vessel means a vessel whose operator is licensed by the U.S. Coast Guard to carry six or fewer paying passengers and whose passengers fish for a fee. A charger vessel with a permit to fish on a commercial quota for reef fish is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Headboats means a vessel whose operator is license by the U.S. Coast Guard to carry seven or more paying passengers and those passengers fish for a fee. A headboat with a permit to fish on a commercial quota for reef fish is operating as a headboat when it carries a passenger who fishers for a fee, or when there are more than three persons aboard including operator and crew.

At Friday's meeting Dr. Jerry Clark discussed the recent trends in commercial/recreational harvest of fish and shrimp. Dr. Clark distributed a set of figures that were prepared by staff for a House Natural Resource Coastal members sub-committee that was chaired by Representative Roach. The purpose of the meeting was to have a State of the State with respect to marine, commercial fishing and recreational fishing in the state but due to unavoidable circumstances these figures were never given. Dr. Clark stated that these figures tell a very interesting story and

proceeded to explain. These figures give the value of the shrimp, finfish from 1980 to 1988. Total finfish includes all commercial finfish (oceanic, estuaries, freshwater). In 1989 the Louisiana harvest of shrimp was estimated to be worth a hundred and thirty million dollars which is terrible news. This means that between 1986 and 1989 this state's economy declined by seventy million dollars. In 1980 the total for finfish was ten million dollars and in 1988 the total for finfish was fifty million dollars. This looks good but may not be stated Dr. Clark. Going to the second page of the figures Dr. Clark stated that they had separated out the inshore and oceanic fisheries. He explained that oceanic was defined as those fish that are typically landed offshore (mackerels, snappers, tunas, sharks). By looking at this figure one will see that the thin line, the thin segment between the two finfish lines is really the estuarine and this means that almost the entire run up in value in Louisiana between 1980 and 1988 took place from offshore fisheries explained Dr. Clark. There has been almost no impact in the estuarine waters between 1980 and 1988. Going to the next page Dr. Clark explained that in 1984 there were essentially no yellowfin tuna landings in Louisiana but in 1988 there was twelve million pounds worth nineteen million dollars. This nineteen million dollars represents five times the value of the traditional estuarine finfish resource in the state of Louisiana. This fishery swamps everything with commercial saltwater finfish. Acting Chairman Jenkins asked Dr. Clark if this was eighteen-nineteen million dollars that he was saying. Dr. Clark stated that was right. Acting Chairman Jenkins asked how many times the inshore estuary fishery in Louisiana. Dr. Clark stated that depending upon the year that you look, it could be anywhere from ten times to only two or three times on this single specie of fish. Acting Chairman Jenkins stated that what got his attention was the size of the estuary fishery. Dr. Clark stated that this would be coming up next and proceeded to remind the Commission that he had stated earlier that the finfish was going up to fifty million dollars which was good news, but not all good news. There is no evidence that this is supportable and Louisiana is on the way to another management failure with yellowfin tuna commented Dr. Clark and the reason for this is that there is no management of this fishery because the state is precluded by federal law from doing any management of this species. It is under what is known as the ICAT which is a U.S. Federal Treaty and this fish is not even part of the Magnason Act. There is an attempt in Congress to make it part of the act but this fishery is totally unregulated. Dr. Clark stated he know this isn't going to work because it already failed once when the Japanese were in the Gulf in the seventies and they landed these kinds of landings then left when the fishery collapsed. This fishery will collapse because the fishermen are out there doing what they normally do when there is no management. Mr. McCall asked how long this fishery would go before it collapsed. Dr. Clark stated he believed the Japanese fishery lasted about ten years. Secretary Van Sickle advised that when it started to crash it came down just about as fast as it had

gone up and actually the Japanese never got to the point where it is now. Some members of the Louisiana Congressional Delegation have opposed adding tuna to the Magnason Act and the department has corresponded with every member of the delegation. ICAT has not dealt with this issue and the department does not expect ICAT to deal with this. Acting Chairman Jenkins stated that the fishermen are five years into it already so it may not last but another five years. Dr. Clark commented if the Japanese did not hit twelve million pounds this probably will not last ten years, it may only last a couple of more years. Secretary Van Sickle advised that she did get letters back from some Congressmen, Livingston, Mrs. Boggs, Hayes, etc., who stated they were voting for the Magnason Act to include tuna, but not all did. Dr. Clark informed the Commission that the species, yellowfin tuna, amounts to more than fifty percent of the run up in value that was shown on the first page of these figures. The tuna is principally and primarily a Louisiana fishery.

Continuing, Dr. Clark went on to the shark harvest landings in Louisiana. The shark harvest is not principally in Louisiana but is taking place throughout the Gulf. In 1984 there were essentially no landings of sharks and in 1988 there was five million pounds worth two million dollars. This is probably less supportable than the yellowfin tuna fishery stated Dr. Clark. Shark are long lived, they have pups, may only spawn every other year, or every five years and have as few as two pups, and many sharks are live bearers. Dr. Clark knows of no shark fishery that has ever survived in the country or in the world and if sharks are harvested commercially it will collapse. Secretary Van Sickle stated that the department has asked for an emergency shark plan from the federal government through the Gulf Council. Dr. Clark pointed out that the yellowfin tuna and sharks make up the run up in value. Going to the next figure, Dr. Clark stated that this figure gives a feel for the relative value of the estuarine fishery (Louisiana traditional commercial fisheries) which includes catfish and buffalo. Proceeding, Dr. Clark explained that in the next figures what was done that what has been called estuarine has been broken into the freshwater component and saltwater component. The saltwater component is red drum black drum, sheepheads, and flounder. The freshwater is buffalo, catfish taken in the wild, and gars. In 1980 the freshwater commercial fishery in the state was worth twice in value what the marine fishery was worth. Over time the freshwater fishery has been very stable right at four million dollars. Looking at the marine fisheries the big run up from about a two million dollar fishery in 1980 to a twelve million dollar fishery in 1986-87 was caused by the red drum and black drum. The collapse in 1988 of this fishery was the game fish status for red drum. Dr. Clark stated that the peak of the marine fishery in the state was worth about twelve million dollars but it was not really fair to call it a twelve million dollar fishery because it was only there for two years and not supportable. Acting Chairman Jenkins

asked Dr. Clark if what he is saying is that the coastal commercial fishery inshore in Louisiana today which is primarily speckled trout, black drum, sheepshead, and flounder that the value of the catch received by commercial fishermen is only five million dollars which makes it equal to the freshwater commercial fishery. Dr. Clark stated that he had done some calculation and if a person could live on twenty thousand dollars than this would mean five families could live on a hundred thousand dollars which means fifty families could live on a million dollars and that means that the maximum supportable Louisiana population that could be supported by this would be about five hundred commercial fishermen total. Secretary Van Sickle pointed out that these values do not include the values in restaurants, etc. this is strictly dockside value. There are over two thousand licensed commercial fishermen and if they all made the same amount of money right now commercial finfish fishermen in Louisiana household income would be about four thousand dollars. Dr. Clark proceeded to explain the run up that took place in the eighties. The first figure represents black drum and the Commission is working on this right now. It went from a traditional fishery in the late seventies and early eighties and landed less than a hundred thousand pounds of black drum worth very little to a fishery in 1988 where nine million pounds were landed worth approaching three million dollars. It takes a lot of black drum to get any value commented Dr. Clark. The next figure represented the red drum where there is also the run up in the eighties in the estuarine fish that was part of the red drum. The big run up in eighty-five, eighty-six and eighty-seven is principally from the purse seines offshore stated Dr. Clark and many of the fish went to Mississippi because Louisiana did not allow the landing of purse seine caught fish at that time. Mississippi had the processing plants and it was legal to land them in Mississippi. The next figure represented the menhaden fishery which is a monster fishery and talking about an average landing of 1.4 billion pounds. The recent legislation that was passed for the bait quota is about six million pounds and the latest evidence that was received is about 1.6 million pounds has been landed and by only the one company. The next figure represented the commercial soft crab harvest which is one hundred and sixty thousand pounds. The next figure represented the commercial hard crab harvest which reached a peak of fifty eight million pounds. The interesting thing about this commercial hard crab harvest stated Dr. Clark is that if you were a business person and you did not know anything about commercial fisheries you would think this must be a tremendous success story. But like other fisheries in the state it is nearly bankrupt, there are just too many people. It is Dr. Clark's understanding that in 1989 the crab harvest may have been down by as much as a third which has everybody concerned. The next figures represented the commercial oyster harvest. Dr. Clark stated that everything anybody has heard about the oyster industry in the last year has been that it is a disaster but when you look at the figures you would ask where is the disaster but you know it is. It is just like every other commercial fishery that Louisiana

has. Mr. McCall asked about the million pounds landing and if this is before they are shucked. Dr. Clark answered that these are meat weights. Louisiana has had relatively stable fisheries since 1982 and the value has gone up. Mr. Vujnovich commented that in 1981 a sack of oysters, which produces from five to seven pounds, dock side value was around eight dollars and right now dock side value of a sack of oysters was twenty seven dollars so the money is there but production is way, way down. The 1989 figures for oysters shows a drop from about thirteen million pounds in 1988 to eleven and a half pounds which is about a ten percent drop. Dr. Clark stated that if he were a banker and knew nothing about the commercial fishing industry he would say that oysters were doing great, going from a five million dollar business in 1981 to a twelve and half million dollar business in 1989. Mr. Vujnovich stated that approximately in 1981 there might have been about four to five hundred commercial oyster licenses and right now there is over two thousands. Dr. Clark stated that if he were going to make a comment about the commercial industry Louisiana is squandering the value of its resources by trying to divide it into too many pieces. The last figures represents the recreational fishery. In marine fisheries (saltwater) the estimates from 1985 for Louisiana recreational fishermen spent about one hundred and forty million dollars in trip related expenses which does not include any gear and if you were to add boats, motors and trailers it would probably double and are talking about recreational expenditures of about two hundred and eighty million dollars. This would be about twice the value of the shrimp fishery dock side. Total statewide expenditures for recreational fishing is five hundred and ninety seven million dollars. Secretary Van Sickle asked if the expenditures by the commercial fishermen have ever been calculated. Dr. Clark stated that is why you look at the x-vessel value because the x-vessel value is usually considered to be the maximum amount they could spend. This is the commercial fishermen's take and if the shrimp fishermen receive a hundred and fifty million dollars from the sale of their catch then this is how much money they have to spend on boats, gas, etc. explained Dr. Clark. When the commercial fishing is in trouble like it is now a lot of fishermen are borrowing money but no business can survive spending more than it takes in for very long. Dr. Clark informed the Commission that the rest of the figures are just the recreational harvest of numbers of fish by recreational fishermen and advised that the Commissioners look at the mean across all the years because this data is based upon the Marine Recreational Fishery Survey and everyone knows that the purpose of that fishery was to look at region wide landings and not statewide landings and the statisticians will tell you that it is an inappropriate use of this data to look at statewide landings especially if you are trying to find trends. Dr. Clark stated that one of the things that he had said earlier that he would come back to when he was going through this state of the state and that is one of the things that is happening right now in Louisiana which he thinks is very important and potentially very positive is that every fishery task force

right now is focused on the problem of too many fishermen. The discussion in these task forces are being very fruitful and principally what is coming out of these meetings is that the commercial fishing industry is hopefully uniting behind a push at the legislature to make requirements (something like an income requirement) to prove that a person is really a commercial fisherman in order to get a commercial fishing license. The department is just facilitating these discussion because it is not the department's place to try and run people out of the commercial fishing industry. Dr. Clark gave an example of a proposed bill that could be introduced at the legislative session and stated that this is just one of the things that was being discussed but it is these kinds of actions that are going to have to be taken if commercial fishing is going to survive in the state of Louisiana. Concluding, Dr. Clark stated that he has cautioned members of the task forces that it may already be too late since fifty percent of the people who are commercial fishermen are part-time. Mr. McCall asked if what Dr. Clark is basically saying is that every type of fishery, is in bad trouble in the state of Louisiana. Dr. Clark stated that this was right. Dr. Hines stated that looking at this from another aspect, and this is certainly an unscientific observation, probably the same number of people in 1980 were making their living in the Gulf as in 1988 but about a half or two thirds of those people were working on rigs or working with the oil industry and as they became unemployed they stayed in the Gulf in the fishing industry which super-saturated it and hopefully someday the oil industry can hire them back and relieve part of the problem. Dr. Clark commented that since the 1970's there have been four waves just like that with the first wave starting with the oil embargo when the of raw price of oil went up, the second run up was the Magnason Act, the third run up was the resettlement of aliens in this country and the fourth one is the one that Dr. Hines just mentioned. Everyone of these have had a detrimental impact on the lives and income of traditional commercial fishermen. Mr. Vujnovich added that there is a disaster loan for the fishing industry and he is on the Farmers Home Administration Board for the oyster industry where the loans are applied for and approved. So far they have had a hundred and forty one applications and people are in the need of money to survive in the seafood industry. The people that are in the seafood commercial industry for the first time are seeing that if they do not ban together that it is the end of the industry stated Mr. Vujnovich. Mr. Jones stated that he believed the influx of all the people make Dr. Clark's job a lot harder because people are always reacting as opposed to forecasting what these fisheries will do. Dr. Clark advised that there will be tremendous pressure put upon the Commission and the department in the upcoming years to make hard decisions.

Acting Chairman Jenkins asked if there were any questions from the audience. A gentleman from the audience asked Dr. Clark how much effect has the environmental situation had on the fishing chemical

wise. Dr. Clark advised that if he had to look at the data that there is right now on the productivity of Louisiana waters he would say that on the whole he could not find a statistically significant negative impact. If the environment was not supporting the animals in the water the landings would not be going up stated Dr. Clark. There is a piece of research out of LSU by Crowder who says the breakup of the marsh is good for fisheries because all the detritus and everything that has accumulated in the marsh over the years is being slowly releases as the marsh is deteriorating and on a short run bases you can get away with this stated Dr. Clark but it is like taking the principle out of the bank and spending it. There is really another element to the question Dr. Clark commented and he is really afraid of the point that was made about chemical because if you look at Calcasieu he does not know when it is going to end. A lot of people are telling Dr. Clark that the reason we don't have more Calcasieus is because we have not looked. As far as impacts on individuals and localized areas they are definitely there and will probably get worst.

A gentleman from the audience addressed the Commission and asked how they decided there was a light to moderate kill on speckled trout and redbfish after the freeze and also what effects is this going to have on the specks and redbfish. Dr. Clark stated that the answer to the first part of the question is that starting on Christmas Day and the days afterwards every finfish biologist in the state was in the field, members of the Baton Rouge staff were in airplanes flying over the coast, members of the Fur and Refuge Division in airplanes flying around the coast, and members of the Wildlife staff were out there looking and counting and assessing the damage. The conclusion that the overall impact was light on fisheries was decided because it was found that fish were killed all across the state but only a handful of places, maybe a dozen or a few more, where there were deadend canals, etc. and things like that where there was a hundred percent mortality and these were relatively few. The current gill net data, which is very preliminary, indicates that catches in gill nets of red drum and spotted seatrout have almost returned to normal already and the department did not expect this stated Dr. Clark. Mr. Jones asked what the update was on the forecast of the closure of speckled trout. Dr. Clark informed the Commission that black drum estimates through January were 108,811 fish which is about a third of the quota through the first six month quota. He does not anticipate a closure on black drum and the second six month quota will be starting in April. The spotted seatrout harvest as reported to the current time is 766, 645 pounds through December and do not have January landings because of the new reporting procedures going into place. The reason the department has January's black drum landings is because there is only about ten dealers in the state that handle the majority of that product and they are contacted by phone. The forecast date is still late March.

Mr. Jim Mill, Monroe, addressed the Commission and asked Dr. Clark if this last freeze was as severe as 1983. The extent in temperature and decline was greater than it was in 1983 answered Dr. Clark but were in much better shape this year because in 1983 the temperature went from about sixty degrees during the day and dropped off rapidly and quickly. This year there were six cold fronts between November 15 and the freeze and everyone of the cold fronts put fish offshore. If Louisiana would have had the temperature freeze that it had this year in 1983 it would have been a devastating freeze. Acting Chairman Jenkins thanked Dr. Clark for his report and stated that he would like to see this report given again in South Louisiana and believes the Secretary agrees that it be put back on the agenda for informational purposes. Secretary Van Sickle recommended adding fishing efforts to the graphs which would be interesting to know and helps makes sense out of them.

At Thursday's meeting Mr. Kell McInnis gave an update on disposition reporting forms. Mr. McInnis reported that the Commission had directed him to oversee a method by which the department could compare all of the efforts of the District Attorney's throughout the state of Louisiana. Mr. McInnis indicated that first the department needed to clean their own house and make sure there was an adequate tracking system for citations in place that the department was comfortable with before he would ask someone else to report what they were doing with the citations and within the first year of operation this was done. A meeting was held with the District Attorney's Association and asked if they would work with the department on coming up with a format for reporting disposition to be utilized to compare the actions that were taken on the department's cases. Through the District Attorney's Association the DA's agreed to work towards a common goal with the department. A sub-committee of the Executive Board was appointed to work with the department. A number of meetings were held producing draft forms and in turn the Association had some requests that it be modified. A workable format was developed which has been put together on a computer program and allows materials to be delivered to DA's offices. In January Mr. McInnis submitted to each District Attorney by parish a computer listing and asked them to update it for the department. The quarter that was chosen was July 1 through September 30 because it is the beginning of the department's fiscal year and also should have been for the most part a relatively quiet time. This should have given the District Attorneys the opportunity to address most of the issues without being so far back that they would not have any up to date records. Mr. McInnis stated that he found out that some of the DA's offices do act much quicker than others while others it was way pass being acted upon. Historically when a ticket is turned into the DA's office it has an extra copy of the citation (color blue) and they return the blue sheet to the department in Baton Rouge. Major Candies is responsible for reviewing the disposition reports that come in individually, monthly from the

District Attorney offices. Mr. McInnis advised that he received responses from twenty nine of the forty one District Attorneys in the form of a completed report. A number of letters were received saying that due to the bulk of the cases in some of the coastal parishes at that time of year they were very busy. One of them pointed out that they had some twenty four hundred cases and that they did not have an opportunity to respond in the amount of time that was given. A number of others, for whatever reason, had difficulty putting it together. Mr. McInnis informed the Commission that he was relatively pleased with the amount of responses that has been received and the details that were asked for had been given. A number of DA's offices have asked for some additional time in which to complete their quarter report but not a single one of them have refused to give the information. Concluding, Mr. McInnis asked the Commission exactly in what detail would they like to see a final response.

Vice Chairman Jenkins complimented Mr. McInnis on getting the program off the ground and believes it is something that will help the whole enforcement effort.

Mr. McInnis advised that he did have the opportunity to speak personally with a number of the DA's that had not submitted something to date. Some of them indicated that they did not ever remember receiving the report so additional information was sent to them for response. Mr. McInnis recognized Mr. Pete Adams, Administrative Head of the District Attorney's Association, for his cooperation and work on the project along with Mr. Richard Iyou, current President of the DA's Association and Mr. Don Burkett who is the President-Elect. At the end of this month Mr. Burkett will take over as the next President of the District Attorney's Association. Vice Chairman Jenkins also thanked the gentlemen from the DA's Association for their help on this project.

At Thursday's meeting Colonel Charlie Clark presented the monthly law enforcement report for February. Colonel Clark reported that Region One had ninety five cases; Region Two had seventy six cases; Region Three had seventy six cases; Region Four had eighty three cases; Region Five had two hundred and four cases; Region Six had one hundred and seventy five cases; Region Seven had eight six cases; Region Eight had four hundred and fifty one; and SWEP had twenty one cases. One of the reasons that some of the cases are down, such as in Region VII, is because half of the region was in training for a two week period. This time of the year is generally a stand down period and the enforcement division can take advantage of the training. Colonel Clark advised that when the Civil Penalties Program is implemented it will slow the enforcement division's production down but because of the deterrent that is going to be offered in the agent taking the time to measure fish and assess the values to the poundage to wildlife will greatly outweigh the numbers that would have been written had they not taken their time. What the Commission should be watching for is what is

being picked up and how much is being picked up and this way a separate category should be developed to put a monetary value so that the Commission can actually see what is being put into the system as far as dollars collected or at least wildlife charges assess to the public stated Colonel Clark.

Mr. McCall stated that he noticed that in last month's case report, which was for the month of January, there was not any information on the Rip Tide and the Delta Tide and asked Colonel Clark why. Colonel Clark stated that he had no idea and that it should have been in there. There was a special report made at that meeting and it should have been in there also. Mr. McCall stated that he did not see it in his and asked if Colonel Clark could tell him how many hours they ran. Colonel Clark stated that he could not but would look up the information for Mr. McCall and commented that Enforcement did get some complaints in Mr. McCall's area and the boat was sent and stayed for a four day period. There were no cases made while there but on the way back four boats were encountered.

Mr. Jenkins asked about the situation with Region IX and when it was going to become a separate area. Mr. McInnis announced that as of today, Region IX begins its official operations with its headquarters in Grey, LA right near Houma. A clerical person has been hired for the area and is being trained in New Orleans by the Region VIII secretary on how the procedures work and every day forms that are necessary. This person will be working there until Wednesday of next week at which time everybody will physically move to the Region IX office in Grey. Additionally one of the parishes from Region VI is being incorporated into Region IX which is the parish of St. Mary.

Secretary Van Sickle pointed out that this was not going to increase the number of people but just splitting up the responsibility for tracking paperwork, etc. Mr. McInnis stated that one secretary's position that was already in the New Orleans office is being moved to the Region IX office. A new position was picked up in the Supervisor's position. The four positions that were just recently approved by the Division of Administration pursuant to the Oyster Harvester's License certainly will be working in Regions VIII and IX as well as Regions V and VI.

Vice Chairman Jenkins stated that in connection with the long range plan of trying to put the people where the need is that he pursues in the future there will be additional personnel in proportion to the need in the districts. Mr. McInnis commented that they tried to put the people where the action is and went on to explain the utilization of agents from the inland parishes.

Secretary Van Sickle advised that the Wildlife and Fisheries personnel will be located at the State Police Office in Grey. LDWF

will have free office space and also will be able to try out the Eight Hundred Trunking System.

A report on the minimum bid price on Chartres and Conti Property/New Orleans was presented by Ms. Bettie Baker at Thursday's meeting. Ms. Baker announced that she had finally received some figures from the appraisers. The property on Chartres Street had one appraisal at \$568,000 and another at \$600,000. The Conti Street property had one appraisal at \$232,000 and another at \$180,000. Ms. Baker pointed out that the Chartres Street property contains asbestos and she does not have an estimate of what it would cost to remove but some accountability needs to be made when the price is established. Ms. Baker talked with Commissioner Jenkins when she received the appraisals and they came up with two recommended values as the minimum bid price. The suggested bid price for the Chartres Street property is \$570,000 and the suggested bid price for the Conti Street property is \$200,000. These are not the averages of the two appraisals but the average of the Chartres Street property would be \$584,000 and the average of the Conti Street Property would be \$206,000. Mr. Jenkins asked Ms. Baker if she had decided on the method of auctioning. Ms. Baker advised that the property will be advertised to be auctioned three ways. The properties will be auctioned first together and then allow auctions separately and if the value of the properties auctioned separately are higher then the price that is received from auctioning them together the person who wins the bid at the higher price has the right to match that value, if he does not choose to, it will go to the two separate bidders. The money from these properties will be used for new housing for the New Orleans office and personnel stated Ms. Baker. Once a price is established Mr. Bernard Boudreaux at the State Land Office will see if the Sheriff in New Orleans can set this up on his calendar for the first or second week in April. The properties will be advertised for four weeks in the Time-Picayune, the Baton Rouge newspaper and will also be advertised in the Wall Street Journal. The realtors in New Orleans as well as everyone who has shown an interest in the property will be contacted by Ms. Baker to let them know it is available. This will be a public auction advised Ms. Baker. Ms. Baker pointed out that the property on Conti Street is a parking garage and the personnel from the office park there so one of the restrictions she is putting on that piece of property is that it would not be available until September 15, 1990. Mr. McCall made a motion that the Commission goes with Ms. Baker's recommendation for the price of the properties (\$570,000 and \$200,000). The motion was seconded by Mr. Jones and passed.

At Thursday's meeting suggested dates were discussed for the Joint Commission meeting with the Texas Parks and Wildlife Department. Secretary Van Sickle stated that following up on the invitation that the Texas Parks and Wildlife Department extended to the Commission at the October meeting at Toledo Bend they would like to host a joint meeting in Texas to talk about issues of mutual

interests to both states. After some discussion among the Commissioners and Secretary Van Sickle it was decided that this item would be taken up at tomorrow's meeting to give the Commissioners time to discuss and pick a date.

At Friday's meeting mid-July or mid-September was suggested by the Commission for the special joint meeting between the Texas and Louisiana wildlife and fisheries departments to be held in Texas. Secretary Van Sickle will contact Mr. Travis with the recommended months and will report back to the Commission on a proposed date.

At Thursday's meeting Vice Chairman Jenkins called for other business and announced that he has had a request from Mr. Dick Smith to address the Commission. Mr. Smith, Vice President of the Louisiana Dog Hunters Association, addressed the Commission. Mr. Smith stated that his concern was on the Kisatchie National Forest. A meeting was held Saturday night with people from Vernon and Beauregard parishes. Attending also was Boise Timber Company and two other independent timber companies who have agreed to leave open a quarter of a million acres of their property open to the hunting for Louisiana people. They are not going to lease it, post it or do anything but they are concerned about the Commission cutting the days, fourteen days of still hunting and seven days of dog hunting in the Kisatchie National Forest. They feel like south Louisiana people are going to fluctuate onto the land that is opened for hunting. The timber companies say that once this starts they are going to be forced to lease their land. Mr. Smith stated that most of the people in the area do not have the money for leases and these people are strictly worried about hunting. If the Kisatchie National Forest is closed to down to twenty one days it will hurt the people. Mr. Smith would like to see the Commission close the doe days to one. At a meeting five years ago in Natchitoches the people attending told the Commission that there were too many doe days in the parish and the Commission turned around and gave them more doe days instead of less. Mr. Smith pointed out an article in a magazine (October 1989) and what Mr. Jerry Farrar said about the deer herds in Louisiana. Mr. Smith believes the wrong message is going out to the people. Mr. Smith stated that if there is a black powder season it needs to be before the still season starts. Not too many hunters use black powder and the ones that do are using the new smokeless powder and at seventy five yards it is better than the man with the shot gun. The black powder is not a primitive weapon anymore stated Mr. Smith. Mr. Smith strongly urged the Commissioners to talk with the people in the area. Mr. Smith talked with Mr. Steve Kanell, District Ranger in Homer, and he advised that having the forestland opened for twenty one days hunting only and closing it the rest of the time will cause a problem everywhere. Mr. Smith recommended that the doe days be cut, leave the forestlands open and spare the other lands that will be left opened for the hunters. Mr. Smith thanked the Commission for hearing him.

Mr. Jones advised that a man had visited with him and discussed a concern he has with the alligator industry and asked him to address the Commission. Mr. Alfred Craft, Alligator Farmer in West Monroe, addressed the Commission. Mr. Craft stated that at a recent convention held in Baton Rouge he had tried to line up hatchlings for the ninety season and had started earlier than last year because he realized it may be a problem. Mr. Craft was informed by most of the people he made contact with in Baton Rouge that there is a great demand for the hatchlings from out of state. Mr. Craft was wondering if there was any kind of assistance that the Louisiana farmers could receive in getting their hatchlings before they are shipped out of state. Secretary Van Sickle advised that the Commission did pass a resolution to try to prevent the out of state shipment of hatchlings and there was a temporary restraining order and the courts said that this could not be done because it was unconstitutional. Secretary Van Sickle asked Mr. Tarver if there was some way that the state could increase the share of this industry and what Louisiana is losing by taxing the alligators as they are shipped out of state because the states doesn't realize those benefits? Mr. Tarver stated that as Secretary Van Sickle pointed out the department had an injunction put against the department to prevent that activity and you cannot tax interstate commerce. With this in mind the department did the best they could and that was to charge a four dollar fee for an alligator tag if a person wanted to take one from the wild or a four dollar fee for an alligator hatchling when it was taken. After many months of trying to figure out how to tackle the problem a conclusion was reached that the only thing that could be done is charge a four dollar fee at the time of collection, whether the alligator leaves the state or not. However, after it is picked up and hatched then it becomes the property of the person who owns it. It is Mr. Tarver's understanding that you cannot prevent a person from selling to someone in Mississippi, Texas, Alabama, Breaux Bridge or any place else. Secretary Van Sickle asked if there was some way that fees could be increased on the alligators going out of state. Mr. Tarver explained that the four dollars is going for several things and one of them is an administrative fee and if the department gets to the point to where they are charging a higher fee for those going out of state because it cost more administratively then it does to the ones in the state it would have to be justified and Mr. Tarver is not sure the department is in a posture to be able to justify this at this point in time. Mr. Tarver is completely sympathetic with the alligator people and what they are trying to do in maintaining the industry in Louisiana to let Louisiana alligator eggs hatch out and be used in Louisiana but there is a problem and that deals with the interstate transportation of these animals after they become hatched. Mr. Jones stated that as he understood Mr. Craft's situation from the brief conversation that he had with him this morning is here is a alligator farmer in Louisiana that is willing to pay market values for alligators but is unable to obtain the hatchlings to supply his farm because these alligators, through the department's funding,

are sending to other states. Mr. Jones think that there is certainly some way that the state can supply the local farmers with a guarantee if there are alligators for sale and since the state is paying for all the programs that these farmers should be able to benefit from it and the alligators should not be going to Florida if local farmers are willing to pay market value. Mr. Craft is looking for market value hatchlings but nobody has them because they have large commitments out of Florida at the same price and they are shipping them pass Mr. Craft to Florida. Dr. Hines asked Mr. Tarver if alligators that were hatched by the Louisiana Department of Wildlife and Fisheries were going out of state? Mr. Tarver stated "no", these are private individuals selling their alligators. Mr. Jones stated that he was not suggesting that the Louisiana Wildlife and Fisheries were moving their alligators out of state but are subsidizing the alligator industry with the effort that is being put into managing, biology, research and law enforcement. Mr. Jones commented that somewhere down the line the problems that farmers are having getting alligators needs to be resolved. Mr. Tarver agreed with Mr. Jones completely and very sympathetic with Mr. Craft and with what Mr. Jones is trying to say. The problem is with the interstate transportation and you cannot tax this. After further discussion on this issue Mr. Jenkins suggested that Mr. Craft and other farmers who have a problem obtaining alligators make suggestions to the department for review and maybe a solution can be found. Mr. Craft stated that he appreciated this.

Acting Chairman Jenkins asked Mr. McCall if he had an item that he would like to discuss. Mr. McCall stated that today would be the forty third day that the oyster season in Calcasieu Lake has been closed and this is mainly due to the pollution, and high water caused by all the rain and Mr. McCall asked for a thirty day extension to the oyster season. The oyster fishermen were only able to fish about nine days in the month of February. Secretary Van Sickle stated that this had come up at the last Commission meeting and Mr. McCall specifically asked that extension of the season be considered. The season opens again today but will close on March 15, so there is two weeks that the oyster fishermen can fish. Mr. McCall is asking that as long as the river stages stay at a certain level where it will not pollute the waters that the season be extended because the oyster fishermen have not had a chance to work the beds. Secretary Van Sickle asked Ms. Karen Foote if she would find Ron Dugas and find out if there is any resource reason or constraints that would preclude the season from being extended for thirty days and asked Mr. Don Puckett if he would check on the legal aspects and make sure there is nothing in the law book that would prevent the Commission from doing this. Acting Chairman Jenkins asked Mr. McCall to bring this up at Friday's meeting and the Commission would act on it then .

At Friday's meeting Acting Chairman Jenkins asked Dr. Clark to discuss the oyster situation in Calcasieu Lake. Dr. Clark reported

that the review of the records indicated the following. At the October 1989 Commission meeting at Toledo Bend the following resolution was passed. "BE IT FURTHER RESOLVED that the department secretary has the authority to delay the closing of the season to compensate for health closures, such delays not to extend pass April 30, 1990." and as Dr. Clark sees it there is no action that the Commission needs to take but to just instruct or ask Secretary Van Sickle to exercise the authority that was given to her at Toledo Bend and if this is done the season can be kept open until April 30. Acting Chairman Jenkins asked Mr. McCall if this was alright with him to which he concurred.

Acting Chairman Jenkins stated that he has had a couple of inquiries from people about the department looking into licensing fishing guides. Secretary Van Sickle advised that this had been discussed but the Commission did not support it and the department was not really committed to it either so it was not part of the package. Ms. Baker advised that it was guides in general and Mr. McInnis stated that the particular bills on guides was pulled but he believed that there is still one for charter boats. Acting Chairman Jenkins stated that this is what was talking about, charter boats and asked Mr. McInnis to tell him what is happening so he can answer the people. Mr. McInnis advised that last year the charter boat industry and Representative John Glover, who is in the charter boat business actually sponsored the bill. The bill did not go very far last year as all of the revenue raising type legislation was killed immediately. This bill has come back up in the department's package for consideration this year and was resubmitted essentially in the same form as last year. Acting Chairman Jenkins commented that the people that have called him say that if a license is put on the charter boats they will go out of business and asked Mr. McInnis if the department was working on anything that would license charter boat captains or cause them to have to be tested in anyway. Secretary Van Sickle explained that the department's bill does say that if your are chartering or selling the services under charter whether you have two or twenty people you would be required to register. This is not a revenue generating measure and what the department is trying to do is get a good handle on who is available for charter. This has been tried on a voluntary basis where the information would be available to the public to help the charter boat industry, Louisiana and tourism in promoting fisheries. An annual fee of about twenty five dollars would be charged.

Ms. Bettsie Baker announced that she had an award that she wanted to make the Commission aware of. The Louisiana Department of Wildlife and Fisheries (one of three states) was awarded by the National Sport Shooting Foundation for its wonderful National Hunting and Fishing Day.

Secretary Van Sickle gave her report to the Commission at Friday's meeting. Secretary Van Sickle reported that they have proceeded with some of the long range plans for the department and will be

meeting with the staff in about two weeks and will be sharing the information with the Commission as it develops.

Secretary Van Sickle updated the Commission on the Alligator Program Coordinator. The department has gone through two list of Civil Service people that were qualified for the position and have had no takers. There were eighteen people on the last list and all worked for the department and no one on the list was interested in the job. The department is calling for another list and asking Civil Service that the department be given hiring authority to recruit a person from a university. The position will be advertised in the Morning Advocate and at LSU and other universities. Mr. McCall asked if he was correct in saying that there was one person who was interested in the job but did not want to move to Baton Rouge. Secretary Van Sickle stated that she had called him personally and talked with him and ultimately he said that he would not take it. Mr. McCall asked if he would move to Rockefeller. Secretary Van Sickle answered "no" he did not want to move period. Mrs. Glenda Tarver, Personnel, is calling the Fur and Alligator Council on a weekly bases and informing them where the department is in this matter.

The department is part of the Coastal Wetlands Authority and the bill that was passed required by March 15 that the administration have the coastal wetlands plan prepared and submitted to the legislature. The department has three days last week to review a plan which had roughly forty five projects in it and a twelve page comments was prepared and sent. The department did sign the plan and it has everything from marsh management projects to freshwater diversions but noted in the letter that some of the projects that might affect fish and wildlife adversely the department was going to recommend to just not do them. This is about twenty million dollars in projects and the first year about three quarters of the projects are feasibility and project design.

There was a hearing held in New Orleans by the Congressional Committee on pipeline safety last week advised Secretary Van Sickle. Congressman Billy Tauzin's committee on Coast Guard and Navigation held a hearing regarding pipeline safety. Those testifying were the department, shrimp industry, menhaden industry, and the oil companies with many different view expressed. At this time Secretary Van Sickle believes that Congressman Tauzin is going to introduce a bill to require that these pipelines be buried offshore and that some sort of periodic monitoring of the pipelines be required of the companies to be sure that fishermen are not killed and that there are no oil spills as the result of a ruptured pipeline.

About a year ago the Commission discussed platform removal and the problems it was causing for shrimpers with people leaving debris on the bottom of the Gulf. The day the hearing was going on in New Orleans the federal government received a fax from Washington

stating that new regulations, which Louisiana helped to develop for clearance of the waterbottom after a platform has been removed were approved by Washington. The new regulations will require that a shrimper be hired and trawl across the platform location in many different directions to be sure that there is not any debris left on bottom. The fishermen are very happy about this.

A letter was received from Dr. Wright regarding the deer survey, dog hunting/still hunting, and basically he is just asserting his opinion that some of the criticism he has taken for his survey is unwarranted and explains in a statistical sense how the survey is valid and the bottomline is that they are confident that the true percentage of hunters who are primarily still hunters is still within three percent of eighty percent.

Secretary Van Sickle updated the Commission on shell dredging. Mrs. Karen Foote is working on a letter that will go to DNR regarding mitigation of shell dredging. This is under the DNR permits where there is a provision where they give the department the shells and the department has talked about using it for shell reefs. The department asked for this last July and have not gotten any response and what we are saying in the letter to DNR is that if shell dredging mitigation is not provided per the terms of the permit within sixty days the department will suggest that the activity be suspended until mitigation is provided.

Concluding her report Secretary Van Sickle updated the Commission on where the department is legally with the appeal on shell dredging. The higher court remanded to Judge Katz's court the issue of whether the leases are valid and so there should be no shell dredging basically in the interim. This is under what is called a suspensive appeal in the Louisiana Civil Code which says that they have thirty days to ask for a rehearing. If they had not asked for a rehearing or if certain writs were not filed then a cease and desist order would have been issued yesterday but they did ask for a rehearing. Until the courts decide on the rehearing issue and from the time they decide on a rehearing there is another thirty day period that they have to apply for writ to the Supreme Court. The department anticipates that this could drag on for months. Mr. Don Puckett advised that a motion was filed for clarification with the Fourth Circuit just to let them know that we acknowledge their order but just do not know how to interpret it and waiting for clarification as to exactly what they intend for the department to do.

Secretary Van Sickle asked Ms. Baker if she wanted to talk about the Aircraft Policy. Ms. Baker advised that the administration of the air fleet is under her supervision and working with Mr. Jenkins and his pilot he has helped the department develop an aircraft policy which is reasonable, rational and has reporting requirements by the pilots as to what the aircraft are being used for and what are appropriate uses of the aircraft. Over the years the planes

have been used for lots of things and the department is trying to get back to the business of wildlife. Next to the Department of Forestry the Department of Wildlife and Fisheries has the largest air fleet in the state and come under quite a bit of scrutiny and as funds become more and more limited the department has to do what is appropriate in the use of the fleet and being smart money wise which has been the justification of bringing this policy into place. Most requests for aircraft go through Ms. Baker unless it is some standard operating matter which are then scheduled through her secretary. Uses of the aircraft are looked at on needed basis and only those uses that are felt to be justifiable and appropriate are approved. Secretary Van Sickle stated that right now DNR is using our planes but they are paying on an hourly basis. Ms. Baker advised that the Chief Pilot has been off on sick leave and the FFA will not let him fly due to his problem and as a result some things have been kind of hit or miss and are working through this policy to establish the Chief Pilot who is responsible for reporting and making sure that everything is fully complied with. Mr. Jenkins advised Ms. Baker and Secretary Van Sickle that he did spend several months when the Roemer administration started on a task force that looked at the whole aircraft business, statewide, and wrote the report for the state and DOTD. What was found out at that time was that the state owned fifty five airplanes and all of this was handled by the Department of Transportation and they were suppose to be charging for flying time and collecting and in fact what was happening they were not charging for much of it and what little they were they were not collecting. Ms. Baker advised that the department planes have only been used very limited by DNR and many of the planes have been down for various service reasons but have been working to get the fleet back in order and get it flying.

The December meeting date for the Commission was set for Thursday, December 6 and Friday, December 7, 1990. The meeting will be held in New Orleans, LA. If by the time of the December meeting the New Orleans office has moved into the new building there may be a possibility that there would be a meeting room available in the new facility.

At Friday's meeting Mr. Danny Lazarus with the Louisiana Dog Hunters Association addressed the Commission. Mr. Lazarus recommended that if it was possible in the future years the Commission and department could give their notice of intent for the upcoming seasons before the public hearings and that way the people would know what was being suggested. Maybe the public hearings could be held at a later date. Acting Chairman Jenkins asked Mr. Bateman to comment on this. Mr. Bateman, Administrator, Game Division, stated that this was not a new idea and has been considered before. The main problem is with the Administrative Procedure in getting a hunting regulations pamphlet printed in the amount of time that is needed between the time the Administrative Procedure starts with the notice of intent and then getting to a publisher and having it done by the first of September puts the

department in a bind as far as time is concerned. Mr. Bateman advised now that the public hearings are finished a staff meeting will be held next week and put together the recommendations for 1990-91. A working meeting will be held with the Commission members on the 23rd of March in Baton Rouge to present the recommendations to the them for discussion. At the April Commission meeting the plan is to present a Notice of Intent on Hunting Regulations and after sixty days if everything goes exactly right the regulations can be ratified the first of June which will give the department ninety days to have the pamphlets printed. This year the pamphlets will be printed in state rather than having the free pamphlets done out of state. Mr. Bateman stated that he does not see any objection legistically with doing the procedure the way Mr. Lazarus suggested but the department has never been able to figure out how it can be done so that if the Commission wants to react to public opinions about what the department is proposing then comes back and change regulations the Administrative Procedure will be set back and the printing of the regulations will be much later. Acting Chairman Jenkins asked if it could be done a year in advance. Mr. Bateman commented that the department at one time said they would not change the deer seasons and stated so in the pamphlet but when the department went with a different format about a year or two ago it changed. Dr. Hines suggested that maybe changing the format a little that the staff met in January and make proposed recommendations, hold three public hearings in February and March, Commission would meet to consider the department proposals plus the input from the public hearings at the end of March and then get back on the same timetable. Mr. Bateman stated that it could be done this way but if you do it this way there will be no harvest information for the previous year, and the hunting seasons are not finished in January. Acting Chairman Jenkins asked if the three hearings were required by law. Mr. Bateman answered that these hearings were at the pleasure of the Commission and there are different ways that these public hearings can be done. Acting Chairman Jenkins asked the Commission to have Secretary Van Sickle give a report on the feasibility of making changes to this procedure at the next Commission meeting.

Mr. Jones stated that Mr. Bob Mitchem has requested to address the Commission and read a letter so that it would become part of the record. Mr. Mitchem is State President of the Louisiana Black Bass Unlimited. This is relatively a new organization in the state and has been in existence a little over two years. Mr. Mitchem read the following letter.

"Wildlife and Fisheries Commission
Re: Black Bass Management Plan

Gentlemen:

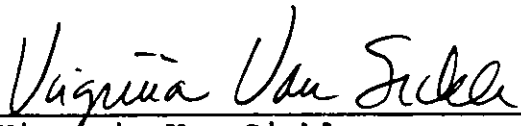
As one of the two largest organizations representing bass fishermen in Louisiana, LBBU would like to take this opportunity to express its support for the recently proposed Black Bass Management Plan. The Association of Louisiana Bass Clubs, ALBC, has previously made it a matter of public record that their membership also endorses this proposal. It is LBBU's hope upon reviewing all the pertinent facts and public comments the Wildlife Commission review the proposal in a favorable light. While we realize that no plan can satisfy every fishermen and every section of the state we do feel that the management plan in its original form offers a workable compromise that will serve as a starting point from which the Louisiana Department of Wildlife and Fisheries can institute further changes as biological data and research indicates. We hardly applaud the many positive changes which have occurred within the department of fisheries since inception of the present administration. The fishing public has not only been allowed to comment but has also encouraged to participate in the decision making process through the formation of the task force composed knowledgeable sportsmen who suggestions are an integral part of the plan. The adoption of this new management proposal will be a momentous step in Louisiana's evolution towards more progressive managements of its unique natural resources.

Sincerely,
Bob Mitchem
State President"

At Friday's meeting Acting Chairman Jenkins called for a short recess for ten or fifteen minutes while the Commission goes into Executive Session to discuss the oyster lease suit. Mr. Vujnovich stated that since he was an oysterman and was involved in the oyster lease suit that he be excused from attending a session until he has received legal advice. Dr. Hines made a motion to waive the rule for the Commission to go into Executive Session for approximately ten to fifteen minutes. The motion was seconded by Mr. Jones and passed unanimously.

The Commission resumed the March Commission meeting and confirmed the April date for the Commission meeting which will be April 5-6, 1990 to be held in Baton Rouge at the Wildlife and Fisheries Building on Quail Drive.

There being no further business Mr. Vujnovich made a motion that the March Commission meeting be adjourned. This was seconded by Mr. Jones and passed unanimously. The meeting adjourned.


Virginia Van Sickle
Secretary

ROLL CALL
March 1-2, 1990

	Thursday	Friday
Don Hines	<u>late</u>	<u>✓</u>
Jimmy Jenkins	<u>✓</u>	<u>✓</u>
Bert Jones	<u>✓</u>	<u>✓</u>
Norman McCall	<u>✓</u>	<u>✓</u>
Joe Palmisano	<u> </u>	<u> </u>
Warren Pol	<u> </u>	<u> </u>
Peter Vujnovich	<u>✓</u>	<u>✓</u>

Mr. Chairman:

There are 4⁵ Commissioners in attendance and we have a quorum.

Secretary Van Sickle is also present.

There are 5 Commissioners in attendance and we have a quorum.

Secretary Van Sickle is also present.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MARCH 2, 1990

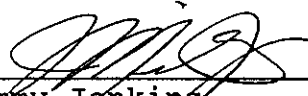
WHEREAS the Ouachita River is an important regional state and national resource, both for fish and wildlife and public recreational purposes; and

WHEREAS, it is the belief of this Commission that the highest and best use of the river and the lands and waters contained within the Ouachita-Black Navigation project is for fish and wildlife and public recreation.


THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby recommends and supports the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, primarily for the purposes of fish and wildlife conservation and management, and public recreation.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission supports and recommends that the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, be a cooperative effort of the U.S. Corps of Engineers, the U.S. Fish and Wildlife

Service, the Louisiana Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission, and the Arkansas Fish and Game Commission



Jimmy Jenkins
Acting Chairman



Virginia Van Sickle
Secretary

RESOLUTION

BAG LIMITS AND SIZE LIMITS FOR REEF FISH

WHEREAS, reef fish are managed under the federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, and

WHEREAS, recent stock assessments by the National Marine Fisheries Service have indicated that the reef fish resource in the Gulf of Mexico are in need of additional protection, and

WHEREAS, this fishery management plan establishes bag limits and size limits for reef fish taken in the federal waters of the Gulf of Mexico, and

WHEREAS, the Gulf of Mexico Fishery Management Councils have requested that the Gulf States adopt reef fish regulations compatible with those contained in the federal fishery management plan, and

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that pursuant to the authority granted by Section 326.1 and 326.3 of Title 56 of the Louisiana Revised Statutes, the Louisiana Wildlife and Fisheries Commission expresses its intent to establish bag limits and size limits for reef fish consistent with those scheduled to be implemented under the Federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

BE IT FURTHER RESOLVED, that the complete contents of the proposed rule establishing bag limits and size limits for reef fish is attached to and made a part of this resolution.

Acting - Chairman


Secretary

2-13-90

Bessie Baker -

Minimum Bid Price
on Charters and Conti
Property / New Orleans

Agenda

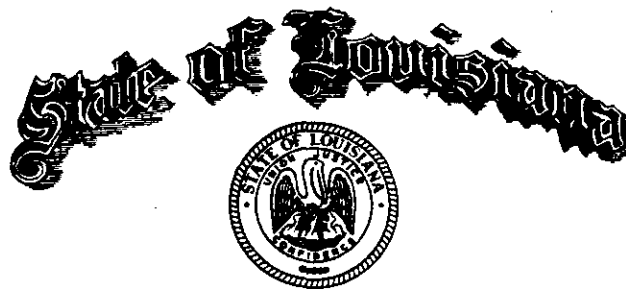
— 400 Loyal
Jenkins

✓ Quachita

Best Jones

Status Report on
Quachita Pine Project

Bennie



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

February 5, 1990

M E M O R A N D U M

TO: Deputy Secretary, Assistant Secretary Office of Fisheries, Undersecretary and Office of Wildlife Chiefs

FROM: Virginia Van Sickle *VVS*

RE: Commission Meeting Agenda - March 1-2, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Friday, February 16th, any agenda items your Office may have for the meeting Monroe, LA at the Holiday Inn Thursday and Friday, March 1-2 1990. If you do not have anything for the agenda, please return memo and indicate this on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

Freshwater Fish Division - Bennie Fortenak
I have no items for the
March Agenda of the Commission
Meeting.

RECEIVED
LA DPT. WILDLIFE & FISHERIES
FEB 14 1990

FISH DIVISION

Bennie Fortenak

Karen



VIRGINIA VAN SICKLE
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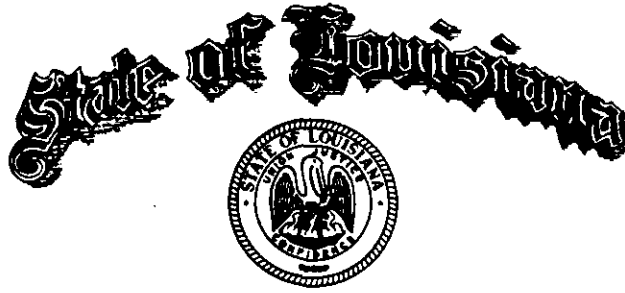
C: Don Puckett
Bob Dennie

Marine Fisheries Division

1. Notice of intent, Reef Fish.
2. Consideration of opening of shrimp seasons in Territorial Sea and setting of special shrimp seasons. - *Claude Bouchard*

2-15-90

Sharyn - Jerry has approved these items.
Karen
cc: Jerry Clark

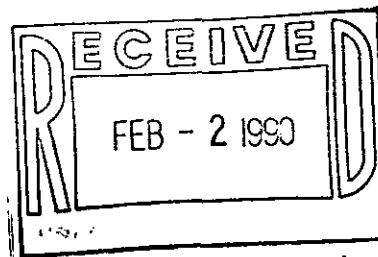


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C: Don Puckett
Bob Dennie

*update on
- Disposition Reporting Forms*

Karl



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VVS/sb

C: Don Puckett
Bob Dennie

Nothing



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70896
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

February 5, 1990

M E M O R A N D U M

TO: Deputy Secretary, Assistant Secretary Office of
Fisheries, Undersecretary and Office of Wildlife Chiefs

FROM: Virginia Van Sickle *VVS*

RE: Commission Meeting Agenda - March 1-2, 1990

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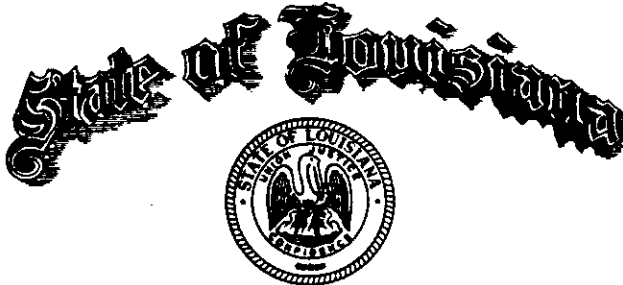
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VVS/sb

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Case Report
W.V.

Johanni



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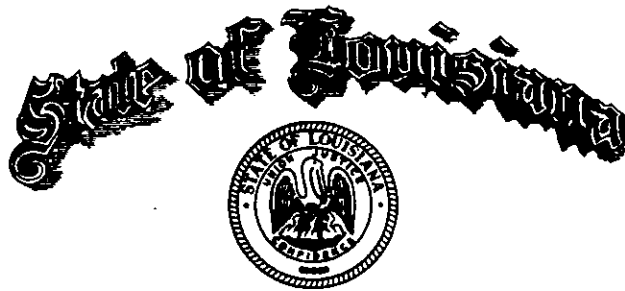
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VVS/sb

C: Don Puckett
Bob Dennie

No items for consideration
[Signature]

FEB 02 90
FUGUE
BATON ROUGE



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C: Don Puckett
Bob Dennie

Nada!

Blue



RECEIVED

FEB 6 1990

INFORMATION &
EDUCATION DIV.

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SECRETARY

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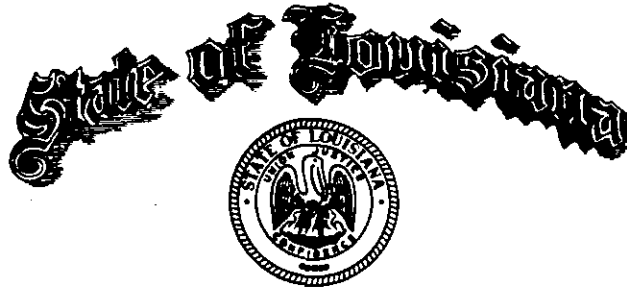
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VVS/sb

C: Don Puckett
Bob Dennie

2/7 Nothing from I & E



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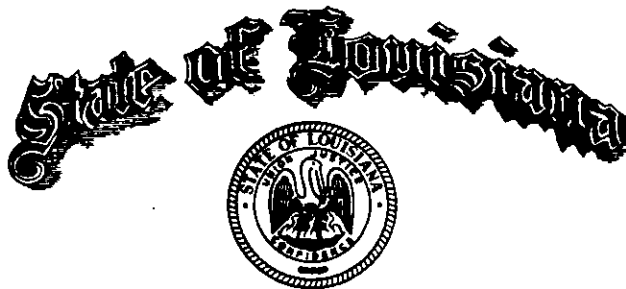
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VVS/sb

C: Don Puckett
Bob Dennie

*Came Division - Nothing at this time
H. Bateman*



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Bob Dennie

NO ITEMS



Clark
Commissioner

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Region
9450 Koger Boulevard
St. Petersburg, FL 33702

F/SER21:RAS:lae

Ms. Virginia Van Sickle, Secretary
Louisiana Dept. of Wildlife & Fisheries
P.O. Box 15570
Baton Rouge, LA 70859

Dear Ms. Van Sickle: *Virginia*

A number of significant changes in the regulations for the Gulf of Mexico reef fish fishery were necessitated by declining reef fish stocks. A final rule implementing these changes was published on January 22, 1990. The various management measures are described in the final rule and range from size limits, bag limits and commercial quotas to gear restrictions. A copy of the final rule is enclosed.

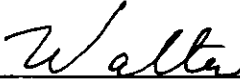
The procedures for obtaining permits were effective January 22, 1990. The requirements for permits to be aboard vessels, the requirements for identification of permitted vessels and the bag and possession limits will be effective April 22, 1990. All other changes -- most notably the size limits -- will be effective February 21, 1990.

[We request that Louisiana adopt compatible restrictions to promote consistency between state and federal rules and thereby enhance enforcement. Bag limits, size limits, gear restrictions, appropriate closures when quotas are met, and the "no-sale" provision for reef fish caught under the bag limits are perceived as key measures that should be considered for cooperative management. Such actions will reduce fishing mortalities on the reef fish stocks and thus contribute to the rebuilding of the reef fish resources.]



We would appreciate any information you may have on management actions having been recently implemented or being considered by Louisiana to help rebuild the reef fish resources.

Sincerely,



Walter W. Fondren, III
Chairman, Gulf of Mexico Fishery
Management Council



Andrew J. Kemmerer
Regional Director

Enclosure

cc: F/CM - Schaefer
F/SEC - Brown, Mendelssohn
GCSE - Kelley

1-22-90
Vol. 55 No. 14
Pages 2047-2218

Monday
January 22, 1990

federal register

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see
announcement on the inside cover of this issue.

implementing procurement integrity for a one year period beginning December 1, 1989, and ending November 30, 1990. Accordingly, the HHSAR is amended to conform to the FAR as amended by FAC 84-54.

DATE: Effective December 1, 1989.
Sections 303.104-4, 303.104-5, 303.104-9, 303.104-11 and 303.104-12 are suspended beginning December 1, 1989, through November 30, 1990.

FOR FURTHER INFORMATION CONTACT:
Norman Audi, Procurement Analyst, Division of Acquisition Policy, (202) 245-0328.

SUPPLEMENTARY INFORMATION: The interim rule is suspended beginning December 1, 1989, and ending November 30, 1990. The interim rule will become effective again on December 1, 1990.

List of Subjects in 48 CFR Part 303
Government procurement.
Dated January 11, 1989.
James F. Thibault,
Deputy Assistant Secretary for Management and Acquisition.

As indicated in the preamble, chapter 3 of title 48, Code of Federal Regulations, is amended as shown. 1. The authority citation for part 303 continues to read as follows:

PART 303—(AMENDED)
303.104-4, 303.104-5, 303.104-9, 303.104-11 and 303.104-12 (Suspended)
2. Sections 303.104-4, 303.104-5, 303.104-9, 303.104-11 and 303.104-12 are suspended for a one year period beginning December 1, 1989, and ending November 30, 1990.
(FR Doc. 90-1300 Filed 1-19-90; 8:45 am)

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 641
(Docket No. 89038-9277)
RULE 641-AC-10
Reef Fish Fishery of the Gulf of Mexico
AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.
ACTION: Final rule.
SUMMARY: NOAA issues this rule to implement Amendment 1 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP).

This rule (1) requires a permit for vessels harvesting reef fish for sale; (2) establishes a 50 percent earned income criterion to qualify for a permit; (3) provides for the charging of fees to cover the administrative costs of issuing permits and trap tags; (4) requires reporting by operators of charter vessels; (5) requires permitted vessels to display identification numbers; (6) reduces the exemptions to the size limit for red snappers; (7) establishes size limits for other major species; (8) extends the assessed areas where certain gear is prohibited to include all waters off Texas out to the 30 fathom isobath and all waters off Louisiana out to the 10 fathom isobath; (9) prohibits use of longline and buoy gear for taking reef fish inside of 50 fathoms to the west and inside of 20 fathoms to the east of Cape San Blas, Florida; (10) establishes bag limits for certain snappers, groupers, and amberjacks; (11) provides for the possession of two days' bag limits for charter vessels and headboats on trips in excess of 26 hours; (12) restricts vessels with trawl or entangling net gear aboard to the bag limits; (13) establishes annual commercial quotas for red snapper and deep- and shallow-water groupers; (14) prohibits fishing for and sale of reef fish when an annual quota for the species is reached; (15) reduces the number of traps that may be fished by a vessel; and (16) makes other technical changes to facilitate compliance. The intended effects of this rule are to reduce fishing mortality on the reef fish stocks so that stocks may be protected and rebuilt to reduce user conflict, and to maximize net economic benefits from the reef fish fishery.

EXPIRATION DATE: February 21, 1990, except that § 641.4 is effective January 22, 1990; § 641.7(b), (e), (f), (r), and (s), and § 641.24 are effective April 23, 1990; and § 641.7 (i) and (u) are effective February 21, 1990 through April 23, 1990.

FOR FURTHER INFORMATION CONTACT:
William R. Turner, 813-893-3722.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP prepared by the Gulf of Mexico Fishery Management Council (Council), and its implementing regulations at 50 CFR Part 641 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 et seq. Amendment 1 is a major revision of the FMP which, to the extent allowed by the FMP, addresses snappers, groupers, and other reef fish on a species specific basis. This change from the FMP approach of addressing snappers and groupers as a single mixed species

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complex was made possible by an expended reef fish data collection effort by NMFS and the states in recent years. Stock assessment analyses based on these data indicate red snapper are severely overfished and other species require reductions in fishing mortality to assure that the spawning stock biomass is maintained at a level adequate to prevent reductions in recruitment to those species or stocks. As a consequence of these analyses, Amendment 1 contains measures to reduce fishing mortality largely by imposing bag limits, quotas, size limits, and gear restrictions. It also provides a procedure for setting total allowable catch (TAC) annually based on stock assessments and for implementing or adjusting certain types of management measures to achieve TAC.

Background
In 1984, NMFS implemented, cooperatively with the states, a trip interview program which collected length-frequency and other biological and statistical information on landings and reef fish by species. Collection of landings data for groupers by species instead of by family was also initiated. These data sets along with similar information collected under the marine recreational fishery statistics survey, initiated in 1979 and available by 1984, surveys of Gulf charter and headboat fisheries, and fishery independent information from the southeast area monitoring and assessment program provided a data base that allowed stock assessments to be undertaken for major reef fish species.

The stock assessments for red snapper and other species were initiated by the Southeast Fisheries Center (SEFC) of NMFS in 1986 and were completed by SEFC and the Council in 1988. The stock assessments for red snapper concluded that the fishery was being subjected to recruitment overfishing and that the spawning stock biomass per recruit ratio (SSBR) was likely no greater than 4.8 percent of the unfished level. This analysis and those for the dominant groupers indicated that to restore the spawning stocks to a 20 percent SSBR level, reductions in fishing mortality on the order of 60 to 70 percent would be necessary by the year 2000 for red snapper and on the order of 20 percent over a shorter period of time for the groupers. Size limits, bag limits, and other reductions in harvest levels necessary to restore each species or species group to the 20 percent SSBR (i.e., the Council's goal for long-term optimum yield (OY) from the fishery)

and the supporting analyses are set forth in Amendment 1.

Problems in the fishery, the management objectives, the specification of OY, the definitions of overfished and overfishing, and each of the management measures in Amendment 1 were discussed in the proposed rule (54 FR 41297, October 8, 1989) and are not repeated here. In addition, other changes to the existing regulations, outside the scope of the regulations to implement Amendment 1, were discussed in the preamble to the proposed rule and are not repeated here. These additional changes were proposed to facilitate enforcement, including prohibition of possession of dynamite and similar explosives aboard reef fish vessels, and to make corrections and clarifications.

Comments and Responses

Numerous criticisms on the proposed rule were received, primarily from the commercial fishing sector which is most heavily impacted by Amendment 1. Three Council members criticized the amendment and submitted minority reports containing their respective objections. Three commercial fishing organizations, a state marine fisheries commission, the U.S. Fish and Wildlife Service, many commercial fishermen, and a few recreational fishermen commented on virtually every measure of this amendment. In general, most criticism was received in regards to the proposed size limits and quotas, gear restrictions, area restrictions, and income requirements for commercial permits. A few commenters objected that the proposed red snapper and jewfish restrictions were insufficient to protect these species from stock collapse. All comments are addressed below.

Size Limits and Quotas

Comment: A state marine fisheries commission commented that the proposed red snapper restrictions do not provide sufficient protection for the stock to recover within the specified 10-year time frame. The commission recommended that the Secretary of Commerce (Secretary) adopt a management measure that had been rejected by the Council. That measure would have immediately reduced fishing mortality by 74 percent to rebuild spawning stock biomass per recruit (SSBR) to the 20 percent level (relative to the unfished condition). The reduction would have been achieved by a two fish recreational bag limit and 1.4-million pound commercial quota. The commission indicated that short-term economic and social considerations

should not be allowed to jeopardize the future of the red snapper fishery, and that in the absence of more restrictive harvest limits, this fishery would be closed entirely within five years.

Response: While the seven fish bag limit and 3.1-million pound quota for the initial fishing year exceed the harvest level required to rebuild the red snapper stock, they are expected to check the rate of decline. At the same time, the amendment contains procedures to address TAC annually in this fishery. Under those procedures, annual TAC decisions are to be guided by the range of acceptable biological catch specified by annual stock assessments and, although a series of catch levels may be set to fall within that range within three years or less, those decisions must ultimately be consistent with stock rebuilding goals. This strategy should prevent overfishing and rebuild the spawning stock but allow short-term social and economic disruption to be minimized where feasible and appropriate. NOAA, therefore, approves the harvest levels established by the Council for the initial fishing year, but expects that future harvest levels will be scaled down commensurate with the findings and recommendations contained in annual stock assessment reports.

Comment: A charter boat captain indicated that a seven fish limit on red snapper would cause severe economic impacts and instead recommended a limit of 10 to 12 red snapper per person per day. The implication was that commercial boats catch fish by the thousands, whereas charter boat customers "fish for fun" and take only a small amount.

Response: NOAA reiterates that even with the seven fish bag limit during the initial year, harvest will exceed the level required to rebuild the red snapper stock. During subsequent fishing years, harvest levels are likely to be reduced substantially to rebuild the stock within the time frame specified (10 years) for the recovery program. Available data indicate a significant number of red snapper are caught recreationally, including catch from charter vessels and headboats. Excessive bag limits would contribute to the collapse of the red snapper stock and result in even greater economic disruption to the fishery. It is appropriate that all users share in the burden of protecting and restoring this depleted resource. Furthermore, the seven fish daily bag limit is believed proportionate to the 3.1-million pound commercial quota in terms of reducing red snapper fishing mortality.

Comment: Two commercial fishing organizations objected to the 20-inch size limit on red grouper. The organizations recommended starting with a lower size limit of 18 to 18 inches, and gradually increasing it to 20 inches over a period of a few years, and indicated that a graduated approach appears more reasonable in view of the less drastic approach being taken on red snapper. The organizations also indicated that the commercial quota on grouper in addition to the 20-inch size limit will completely destabilize the fishery and, if a closure is invoked, the market for Gulf grouper may be replaced by imports. Finally, it was suggested that quotas should not be implemented until needed basic fishery information is acquired by the NMFS, otherwise funding and manpower to monitor additional quotas will be at the sacrifice of the fishery statistics program.

Response: Although the impacts of the initial management measures selected for red snapper may be less severe than for red grouper, the recovery program for red snapper could result in more drastic restrictions in the near future. Lower size limits on red grouper initially would allow growth overfishing to continue and result in the harvest of more females to the detriment of the population.

Closure of a fishery upon reaching quota always causes a certain amount of destabilization within the fishery and increases reliance upon imports. However, less severe size limitations or uncontrolled amounts of harvest could reduce the resource to levels where even more restrictive measures, along with their associated impacts, are needed.

Notwithstanding limitations on Federal funds and manpower, NMFS is currently making plans for quota monitoring and data collection activities associated with Amendment 1. Although a certain but unknown amount of reprogramming might be necessary, NMFS plans to utilize general canvass data to monitor reef fish landings in Alabama, Mississippi, and Louisiana. Landings data collected under state programs will be used for Florida and Texas. Since these data are not available on a real-time basis, NMFS plans to estimate closure dates based on projected landings of regulated species or species groups.

Comment: A number of commercial fishermen opposed the 20-inch minimum size limit for certain groupers and the annual quotas proposed for the deep-water and shallow-water groupers. One of the minority reports also registered opposition to the proposed quotas and the 20-inch size limit for red grouper.

Objection to the proposed quotas was based mainly on the insufficiency of landings data that historically have been collected under a voluntary reporting system. The objectors suggested that a size limit be imposed initially, and that quotas be instituted, if warranted, only after a reliable data base has been established. Some suggested that the size limit should be set at 18 inches, rather than 20 inches, to reduce initial impacts on fishermen and to conform with the Florida regulation since the preponderance of grouper are landed in Florida, and none of the other states has a size limit on grouper.

Response: The primary objective of Amendment 1 is to achieve an SSBR level of 20 percent to restore overfished reef fish resources. According to available scientific information, some of the groupers (red, Nassau, black, gag, and yellowfin) are experiencing growth overfishing and reductions in fishing mortality are needed to achieve a 20 percent SSBR level of these species. Models prepared showed the reductions that are necessary to achieve the SSBR goal at certain size limits. For most overfished species, a combination of minimum size limits, bag limits, and quotas was selected to reduce fishing mortality and promote stock rebuilding within an acceptable time frame.

To obtain the desired reduction in fishing mortality for the overfished species of grouper, a 20-inch total length minimum size limit in conjunction with a five fish recreational bag limit and a 9.2 million pound commercial quota was selected. Although some groupers undoubtedly mature at a smaller size, more than one-half of the red grouper are mature at 20 inches. Red grouper, the dominant species in the landings, was used as an index for the shallow-water grouper complex because of the scarcity of information on the other species.

The 20-inch size limit will substantially reduce growth overfishing and mortality on juvenile groupers and, coupled with the 10 to 20 percent reduction in harvest resulting from the bag limit and quota, should be sufficient to commence rebuilding the spawning stock. Although Florida currently has an 18-inch size limit, the state is expected to adopt the more restrictive limit of 20 inches that is imposed in the exclusive economic zone (EEZ). The data base for reef fish in the Gulf of Mexico is likely as valid as that for other multispecies fisheries currently under management and constitutes the best information available. Deferring the establishment of quotas until an improved data base is secured could result in irreversible damage to the grouper resources

contrary to the national standards of the Magnuson Act.

NOAA believes that the size limits, quotas, and bag limits are based upon the best scientific information available, and are necessary to conserve the grouper spawning stock. In addition, there is an annual procedure within Amendment 1 that allows management adjustments to be made, based on new information, without amendment of the FMP.

Annual Management Adjustments

Comment: A commercial fishing organization expressed concern over the use of notice actions to make annual adjustments to bag limits, size limits, trip limits, seasonal and areal closures, and gear restrictions. Such changes may have significant impacts on resource users and should be subjected to a thorough review.

Response: NOAA acknowledges that adjustments to bag limits, size limits, trip limits, seasonal and areal closures, and gear restrictions can significantly impact users of the resource. However, the procedure does not diminish the responsibility of managers to identify and consider the impacts associated with implementing or modifying these types of management measures. Further, there is ample opportunity for public review. Prior to the implementation of the above actions, and the specification of TAC levels each year, the Council must prepare a regulatory impact review and, if necessary, a regulatory flexibility analysis to analyze fully the potential impacts of the proposed changes, a proposed rule must be published, followed by a period for public comment and publication of a final rule. Public hearings may be held. Other analyses, as appropriate, describing the associated impacts must be prepared; at a minimum these include an environmental assessment. Ultimately, the NMFS Southeast Regional Director decides whether to approve the adjustments recommended by the Council. The procedure, therefore, will allow for thorough review of all factors relevant to the decision making process. NOAA believes the ability to implement or adjust these types of measures under the outlined procedure will prove invaluable to timely, effective, and fair management of reef fish resources in future years.

Jewfish Restrictions

Comment: A state marine fisheries commission, the U.S. Fish and Wildlife Service, several fishermen, and two scientists expressed concern over the status of jewfish resources. Because jewfish are not a common species, there

is only limited information on their growth, mortality, and reproductive biology. It is known, however, that because of the amount of time required to reach maturity, jewfish are highly susceptible to recruitment overfishing and would not be expected to recover quickly from a stock collapse. Commentors agreed that the 50-inch minimum size limit proposed for Federal waters will afford some protection, but indicated a total prohibition on harvest is necessary to reverse the damage from overfishing that has already occurred. Florida has proposed a ban on the harvest and sale of jewfish, and the Florida Marine Fisheries Commission has requested that the Secretary approve the proposed size limit restriction but reserve its implementation pending Council action on Amendment 2 to the FMP which proposes to ban the harvest of jewfish in the EEZ. The state believes that jewfish would be better protected by the state ban because over 90 percent of the Gulf-wide landings occur in Florida.

Response: NOAA believes the 50-inch minimum size limit should be implemented without delay. NOAA agrees that long-lived, slow maturing species, such as jewfish, need considerable protection to guard against overfishing. The 50-inch size limit will afford protection to jewfish by allowing them to reach maturity prior to harvest. Deferred implementation of the Federal size limit would leave jewfish totally unprotected off states other than Florida, even though collectively those four states account for only 10 percent of the landings. Also, Florida's restrictions on the harvest and sale of jewfish are only in the form of a proposed rule that could conceivably be delayed or possibly not implemented. In the absence of the 50-inch minimum size limit, jewfish would be completely unregulated in Federal waters. On November 29, 1989, the Council adopted Amendment 2 which proposes to increase protection in Federal waters by banning the harvest and possession of jewfish harvested in the EEZ. The Council has not yet submitted the amendment for Secretarial review. If approved and implemented by the Secretary, this measure would address the concerns of all the commentors.

Gear Restrictions

Comment: Members of a commercial fishing organization and a minority report opposed the prohibition of entanglement nets in a directed fishery for reef fish. They stated that entanglement nets harvest only about one percent of the reef fish resource, and

It has not been documented that entanglement nets have a significant or detrimental catch of other marine resources. The commentators stressed that a small traditional industry, based primarily in the Florida Keys, relies on entanglement nets for its livelihood and therefore would be adversely impacted.

Response: NOAA supports the Council's proposal to prohibit the use of entangling nets for the directed harvest of reef fish. Rationale for the prohibition is essentially the same as that supporting the prohibition of drift gillnets from the overfished fisheries for Gulf migratory group king mackerel and Gulf and Atlantic groups of Spanish Mackerel. NOAA felt that it would be unfair to allow the introduction of drift gillnets into those mackerel fisheries, since the existing users of traditional gear could already meet the restrictive quotas imposed in response to overfishing.

The use of entanglement nets for the directed harvest of reef fish in Federal waters is limited and does not constitute a well-established fishery. The proposal would allow retention of bycatch of reef fish up to the recreational bag limits by entanglement net fishermen targeting other species.

The overfishing of certain reef fish in the EEZ necessitates restrictive quotas, size, and bag limits to protect and rebuild those stocks. The reef fish fishing industry using other well-established gears in Federal waters is already economically stressed by such restrictions and capable of harvesting the entire quota. NOAA therefore believes that it is necessary and appropriate to decrease competition for these limited resources by disallowing a new type of gear in the fishery.

Comment: A minority report, a commercial fishing organization, and a large number of commercial fishermen objected to the Council's proposals that trawl vessels must comply with the reef fish size and bag limits established for the recreational fishery. The comments emphasized the large potential for harvesting by trawl "underutilized" resources, such as wenchman snapper, that are controlled by bag limits.

Response: The measure extending the application of size limits and bag limits to vessels with trawl gear aboard is the only effective means of ensuring that these vessels do not engage in a directed fishery for reef fish. Encouraging a directed trawl fishery for reef fish would present a burden to other users competing for already limited resources.

Exempting trawl vessels from the bag limit would allow a directed fishery for wenchman snapper and other "underutilized" reef fishes to develop.

This would result in a substantial bycatch of red snapper or other overfished species in the management unit. An allowance for catches in excess of the bag limits would result in an unacceptable level of mortality to species under management.

However, for the reasons set forth in the response to the following comment, the final rule does not impose bag or size limits on the unsorted catch of vessels in the groundfish trawl fishery. The application of this exception to only the unsorted catch of reef fish by the few vessels in the groundfish trawl fishery will preclude any surreptitious targeting of reef fish by these vessels.

Comment: There were numerous objections to the requirement that permitted trawl vessels be forced to return to port to remove their trawls before fishing under the commercial quota. The minority report proposed that trawl vessels with commercial reef fish permits be allowed to target and harvest reef fish with any legal gear. Return trips to port to remove trawl gear from such vessels would not be necessary, thereby increasing efficiency and avoiding potential violations of the Council's proposal.

Response: An operator of a trawler desiring to fish for reef fish under the commercial quota with other gear will be required to unload all trawl gear prior to engaging in a directed effort for reef fish. This will require deciding in advance of departure which fishery will be prosecuted. Adoption of the minority report proposal would result in significant bycatch of overfished species of reef fish, and result in an unenforceable situation whereby large numbers of reef fish could be harvested by trawl gear. This would undermine the objective of rebuilding the overfished reef fish stocks. The long-term benefits derived from rebuilding of the reef fish stocks would more than offset the inconveniences and adverse economic impacts on the trawl fishermen.

Comment: The minority report and other objectors also suggested that the possession and sale of undersized reef fish for groundfish trawl vessels be allowed, which would then eliminate the burden of separating undersized reef fish from the catch. The report noted that this proposal would benefit the vessels where measurement of the catch is most difficult, without increasing fishing mortality or directed harvest of reef fish. The minority report also proposed that commercial trawl vessels be exempt from the established size limits provided the total weight of undersized fish does not exceed one percent of all fish (or invertebrates) aboard.

Response: There are basically two trawl fisheries in the Gulf of Mexico, shrimp and groundfish. Shrimp trawlers typically sort their catch at sea, utilize hold capacity for the more valuable shrimp, and discard other species. Marketable-sized reef fish may also be retained. Unlike the shrimp trawlers, trawlers in the groundfish fishery (currently seven) typically take many small fish, do not sort their catch at sea, and ultimately sort out only those large fish that are unsuitable for processing by grinding up for pet food and industrial products. The Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) for Amendment 1 analyzes the impacts of the rules requiring adherence to the size and bag limits and prohibiting the sale of reef fish caught under the bag limits, as they apply to the sorted catch, in both the shrimp and groundfish fisheries. The RIR/IRFA does not analyze the impact of such requirement and prohibition on the unsorted catch that is typical in the groundfish trawl fishery. Without such analysis, the Amendment fails to demonstrate compliance with E.O. 12291 and the Regulatory Flexibility Act as to the groundfish trawl fishery. Because the impacts of requiring sorting of all catch in the groundfish trawl fishery have not been analyzed, NOAA is disapproving the application to the unsorted catch of reef fish in the groundfish trawl fishery of the bag and size limits and the permit requirement for sale of such unsorted catch. As a result of these disapprovals, the bag limits and prohibition of sale that may be implemented by a commercial closure (§ 641.26) will not apply to the unsorted catch of reef fish in the groundfish trawl fishery. Any sorted catch of reef fish must comply with the harvest limitations, including minimum sizes, and the bag and possession limits, including prohibition on sale.

To monitor the impact of the disapproved measures and to aid in enforcement, NOAA may initiate a regulatory amendment to require the owner or operator of each vessel in the groundfish trawl fishery to obtain annually a letter from the Regional Director authorizing participation in that fishery.

With the exception noted above, NOAA agrees with the Council that vessels with trawl gear aboard must comply with the minimum size limits.

Comment: Another commercial fisherman stated that hook-and-line fishing on trawlers is less efficient than longlines or other types of gear, and therefore should be exempt from the annual quotas on commercial fishing.

Response: NOAA disagrees. Hook-and-line fishing on trawlers is a source of fishing mortality and catches by that fishing mode should be included in the annual quotas.

Area Restrictions

Comments: Two of the minority reports and many commercial fishermen, including members of a commercial fishing organization, objected to the Council's proposal to extend the current stressed area boundary out to the 30-fathom isobath along the entire coastline of Texas, and out to the 10-fathom isobath along the entire coastline of Louisiana. The commentators also objected to the prohibition on fish traps, roller trawls and powerheads, noting that such gear are not commonly used in the extended stressed area and therefore are not significantly contributing to overfishing. They felt that gear prohibitions should apply to those gear that are inflicting the bulk of the fishing mortality. Several of the commentators noted that extension of the present boundary would create a larger burden on both administrative and law enforcement personnel, and would pose problems for the smaller vessels that have to travel large distances to fish outside the stressed area. The two minority reports criticized the extended stressed area based on the following specific objections to each of the six criteria:

(1) Although red snapper is overfished, the extended stressed boundary is arbitrary and therefore will not prevent overfishing of red snapper or other reef fish species;

(2) The area off Texas includes the entire recreational and most of the commercial fishing pressure; however, the gear prohibitions do not include commonly used gear and therefore will not reduce fishing mortality in those or other areas;

(3) There are no cities of high population on the Louisiana coast due to its marsh shoreline; the only such city on the Texas coast is Houston/Galveston, which already has an established stressed area;

(4) Coastal access is limited off both Louisiana and Texas because much of the coastline is undeveloped;

(5) Historical fishing practices in the extended stressed area do not include the prohibited gear; exclusion of such gear therefore is not appropriate; and

(6) The stressed area should not be extended, since there is no special habitat within the extended area that needs protection.

Response: The stressed area was the principal means by which the FMP addressed overfishing a nearshore

waters. Once delineated, use patterns and nearshore resource problems were noted and management measures established for the stressed area to reduce fishing effort equitably to help alleviate overfishing. The FMP outlined factors which were important to the identification of the stressed area. Areas, however, were judged for inclusion based on overall area characteristics, not because all factors were present to justify the inclusion of each area.

NOAA supports the extension of the stressed area off Texas and Louisiana. Both Texas and Louisiana have population centers on or near the coast similar in size and number to other areas where the stressed areas has been established. Coastal development in Texas and Louisiana since the FMP was implemented has increased the potential for public access to the extended area. Red snapper, which is severely overfished, is the principal reef fish species in these areas and is subject to intense pressure. Extension of the stressed area is, therefore, appropriate.

Power heads, roller trawls, and fish traps are not now commonly used in the extended stressed area. Prohibition of these gears will affect an almost non-existent or very small group presently utilizing that gear in the EEZ. Such a prohibition will further two management objectives of the FMP: to minimize conflicts between user groups of the resource and conflicts for space; and, to conserve reef fish habitats and increase reef fish resources. Any negative socioeconomic impacts on the small number of users of the prohibited gear will be outweighed by increased catch per unit of effort and higher recreational satisfaction or similar benefits to the other user groups.

Comment: The commercial fishing organization and one of the minority reports also objected to the Council's rejection of management measures 1 and 3, which would have reduced the current stressed areas boundaries off west Florida and southwest Florida, respectively. The commentators indicated that the current boundaries include areas of very low human population and fishing pressure. They maintained that those regions do not meet the criteria used in delineating the boundaries, and were therefore proposed for removal from the stressed area. They also noted that the current boundaries had created problems with law enforcement and higher production costs.

Area fishery resources were also described, including a sea bass fishery within the boundary addressed by rejected measure 1. They indicated that development of this "underutilized"

fishery had been unduly restricted by the current boundary and regulations of traps, and would not interfere with shrimp operations.

Response: Both measures would allow an increase in fishing mortality on nearshore reef fishes in those areas, which serve as nurseries for juvenile fishes. For example, rejected measure 3 would open an area easily accessible from Key West and the Pinellas County region, both of which have large populations of grouper fishermen. Rejected measure 1 would have allowed expansion of the sea bass fishery in the west Florida region. The long-term effects of increased fishing mortality on the sea bass resources resulting from the expanded fishery is unknown. Based upon these concerns, NOAA supports the Council's rejection of measures 1 and 3.

Comment: Some fishermen indicated that prohibiting longline fishing for reef fish within the 20-fathom contour east of Cape San Blas, Florida, would exclude them from the most productive bottom for red grouper—the backbone of the grouper fishery.

In addition to the prohibition being economically damaging, a commercial fishing organization also indicated that the area restriction on longlines and buoy gear was originally directed towards the protection of the red snapper spawning stock in the western Gulf and was not intended to reduce the harvest of large spawning grouper, since grouper have a different reproductive biology. The organization further indicated that grouper fishing mortality by other gear exceeds that resulting from longlines, yet these other fishing modes are not prohibited inside 20 fathoms.

Other fishermen indicated that the 50-fathom area restrictions west of Cape San Blas would cause economic hardship.

Response: The prohibition of longline and buoy gear in a directed fishery for reef fish inside of the 20-fathom contour east of Cape San Blas is expected to cause little disruption to the Florida grouper fishery as less than 10 percent of the red grouper catch occurs in this area. The intent of this restriction is to reduce the catch and subsequent release mortality of groupers under 20 inches that are abundant inside of 20 fathoms. Since most of the larger groupers are males, there is less concern over the use of longline and buoy gear taking the larger fish. NOAA believes that affording protection for the smaller females while regulating the overall harvest of larger fish (mostly males)

through quotas is a prudent management strategy.

Longline and buoy gear are prohibited inside the 50-fathom contour in the western Gulf to protect the red snapper resource. The western area generally covers the range of red snapper as few occur east of Cape San Blas or offshore of the 50-fathom contour. The restriction is designed to reduce the impact of these gears that typically have harvested large red snapper from the spawning stock from non-reef areas where catch per unit effort by more traditional gear is too low to fish economically. Since fecundity of red snapper increases with size, it is important to reduce harvest of large individuals. Although other gear have historically taken a greater share of the grouper resources, it should be mentioned that longlines are a recent introduction into the fishery. Therefore, NOAA concurs with the establishment of the longline end buoy gear restricted areas.

Use of Reef Fish as Bait

Comment: A number full-time commercial fishermen who use fish head as bait for stone crabs, and a commercial fishing organization, commented on the requirement that all reef fish be landed with head and fins intact. The fishermen felt that misinterpretation of the proposed rule by law enforcement agents could cause lost fishing time and therefore result in negative economic impacts on the stone crab fishery. The organization felt that the requirement would prevent the consumption of catch by fishermen on board their vessels; the organization proposed to exempt from the requirement the preparation of fish for immediate consumption while on board.

Response: The regulations implementing the FMP require red snappers to be landed with head and fins intact in order to provide whole specimens from selected fishermen and dealers for dockside inspection by authorized statistical reporting agents, and to ensure adherence to the minimum size limit. Amendment 1 will extend the requirement to all other reef fish for which minimum size limits are instituted. The regulations are not intended to preclude consumption aboard a vessel of legal-sized reef fish taken under bag limits.

After landing, possession of reef fish heads alone would not constitute a violation. As added protection and to expedite enforcement, fishermen should carry a receipt to document the purchase of the fish heads.

Amberjack Regulations

Comment: Several commercial fishermen commented on the proposed establishment of commercial size limits and recreational size and bag limits for greater amberjack.

One commentator objected to the proposed 36-inch fork length commercial size limit, which he felt was not warranted by the existing data base. He also noted that greater amberjack harvesting would already be reduced by the other measures in the amendment, since recreational fishermen would no longer be able to sell their catch and therefore would not target the species. Based on these concerns, the commentator suggested that both the commercial size limit and the recreational size be changed to 28 inches fork length.

Another commercial fisherman stated that the increase in landings was not typical of overfishing. The commentator also supported the 28-inch recreational size limit but indicated that the limited data base did not warrant the proposed recreational bag limit.

In addition, the commentator objected to the classification of greater amberjack as reef fish, since he believed that the species are instead mid-water fish that utilize reefs primarily for feeding.

Response: The comments regarding a limited data base are best addressed by national standard 2, which dictates that conservation and management measures be based on the best scientific information available, even though those data may be limited. Overfishing of greater amberjacks is possible but may not be accurately shown by the currently limited stock assessment data. Current rates of both recreational and commercial fishing are increasing. For example, data recently made available for January, 1988, indicate that commercial effort and landings have more than doubled compared to data for recent years. This rate of fishing mortality could result in overfishing of the species, if that has not already occurred. As other reef fish stocks decline or as quotas are met, anglers will target alternative species, such as greater amberjack, to compensate for reduced catches. This increased effort may equal or exceed the elimination of fishing mortality by those recreational fishermen who were previously harvesting greater amberjack for sale. Overfishing may therefore still occur despite the elimination of these fishermen from the fishery.

Recreational catches, primarily from charter and party boats in Florida and Louisiana, has fluctuated between 97 and 66 percent of the total harvest

between 1979 and 1987. These data indicate that fishing mortality may be significantly reduced by restrictions on that mode.

The proposed bag limit on greater amberjack would result in approximately a 45 percent reduction in recreational catch, based on the 1985-87 average recreational catch, thus significantly reducing fishing mortality. A larger bag limit would result in a much lower reduction in mortality.

NOAA believes that the combination of the proposed regulations for both recreational and commercial fishermen should help stocks return to the 20 percent SSBR goal established in the amendment, if overfishing now exists. If this species is not yet overfished, the regulations represent an effective conservation strategy to prevent the stock from falling below the 20 percent SSBR goal.

In response to the comment on the classification of greater amberjack as a reef fish, the available scientific data indicates that this species inhabits reef areas. Its inclusion in the reef fish management unit therefore is in order.

Income Requirements

Comment: Several part-time and full-time commercial fishermen objected to the Council's proposal that more than fifty percent of an individual's (owner or operator) earned income must be derived from commercial, charter, or headboat fishing to qualify for an annual fishing permit.

Some commentators stated that the regulation would remove part-time fishermen from the fishery and therefore would reduce depletion of reef fish stocks. However, several fishermen also noted that closures of the fishery when the proposed quotas are met may force full-time fishermen to obtain supplemental income. Such fishermen then would be forced from the fishery by such quotas, if less than fifty percent of their annual income were derived from fishing.

One commentator objected to the exclusion of unearned income from the Council's proposal. He correctly pointed out that large numbers of persons who live on pensions or other income classified as unearned could qualify by earning a small income from their fishing activities.

Response: The 50 percent threshold was proposed by the Council to differentiate fishermen whose primary income is earned from fishing and therefore depend on the fishery for their livelihood, and to distribute reductions in fishing effort necessary to rebuild overfished reef fish stocks. The catch

and associated revenue now benefiting the recreational and part-time commercial fishers would be redistributed to commercial fishermen who qualify for a permit.

Overfishing of certain reef fish species has necessitated restrictive quotas that have stressed the commercial fishing industry. As more reef fish species become overfished, additional quotas will be necessary. As noted in the RIR/IRFA, the income requirement will remove part-time fishermen from the fishery and therefore lessen the impact of these restrictions on those who rely on fishing for their primary income.

The proposed regulations impose quotas rather than a fixed fishing season. Therefore, it is possible that some or all of the quotas will not be reached and that some parts of the fishery will remain open throughout the year. Once quotas are reached, there are no restrictions against shifting to other fisheries to meet the earned income qualifications. Therefore, access to the fishery remains open, but competition over quotas by part-time fishermen is reduced, thereby distributing the benefits to those dependent upon the fishery for their livelihood.

The proposal does not unduly burden those who depend on the fishery for their primary livelihood, does not limit access to certain gear types, and is a fair and equitable solution to overfishing of certain reef fish stocks by recreational fishermen. Recreational fishermen who would no longer be able to fish under the commercial quota or sell their catch may be inconvenienced. NOAA believes that the Council's proposal will help protect and rebuild overfished reef fish stocks and also reduce economic impacts on the already stressed commercial fishery, factors which far outweigh any such inconveniences on the recreational sector.

Comment: Several commentators noted that the inefficiency of their gear prevented them from meeting the 51 percent income requirement. One such person supplemented his income from other sources with hook-and-line income during times of high demand for fish, and suggested that either 25 percent of \$5,000 of an individual's (owner or operator) earned income must be derived from commercial, charter, or headboat fishing to qualify for a permit. Recreational fishermen would then be removed from the commercial fishery, while allowing small commercial fishing operations to stay in business.

Response: This approach would allow part-time fishermen to obtain permits and enter the fishery. In addition, a person earning \$50,000 could qualify if over \$5,000 of that income was derived

from fishing. Use of a lump sum, therefore, would provide permits to part-time fishermen and thereby defeat the intent of the Council's proposal.

Economic Benefits

Comment: Another issue discussed by a commentator was the specific management objective of Amendment 1 to maximize net economic benefits from the reef fish fishery. An economist from a state university requested a definition of "net economic benefits" as it applies to optimum yield. The comments also noted that Amendment 1 mentions net economic benefits as an objective, but then does not provide clear data on the monetary difference between maximum net economic benefits and current net economic benefits.

Response: The Magnuson Act includes economic considerations within the definition of optimum yield. Congress did not further define economic considerations in the Act; therefore, the relevant economic considerations when discussing optimum yield are determined by fishery managers and should be contained in appropriate regulatory impact reviews. According to NMFS guidelines for the preparation of regulatory impact reviews, net economic benefits are defined as the sum of producer and consumer surplus associated with commercial and recreational fishery effort.

Furthermore, data do not currently exist that can provide a quantitative answer as to the monetary difference between current net economic benefits and maximum net economic benefits. However, the amendment clearly indicates that current yield is well below optimum yield.

Vessel and Crew Safety

Comment: Two minority reports and many commercial fishermen, including members of a commercial fishing organization, cited vessel safety as part of their objections to some of the management measures approved by the Council, including stressed area boundaries, gear restrictions, quotas, size limits, and restricted areas for buoys and longlines.

Several commentators noted that these measures may pose safety problems for the smaller vessels that have to travel large distances to legal fishing areas. One commentator noted that trips of up to five hours may be required to travel to and from the new longline area.

Some commented that longer travel times also would be needed to meet the quota and size limit restrictions, resulting in dangerous conditions for fishermen during bad weather. They suggested that vessel safety problems

may also result from the additional time at sea required by Federal personnel to enforce the new regulations.

Response: The management measures approved by the Council do not establish a fixed period of time for fishing, regardless of climatic conditions. Fishermen are able to fish during good weather when vessel safety is maximized. The increased risk to vessels associated with travel to the new fishing areas is product of the potential dangers inherent in travel at sea. In order to increase vessel and crew safety, accurate weather forecasts are available for utilization by both fishermen and law enforcement personnel.

To avoid life-threatening conditions, fishermen should postpone travel during unsafe or marginal weather, and resume fishing during good weather until the quotas are met.

Charter Vessel and Headboat Requirements

Comment: One of the minority reports objected to the Council's proposal that both charter vessels and headboats with permits to fish under the commercial quota be required to fish under the bag limit when under charter or when there are more than three persons aboard, including captain and crew. The minority report proposed instead that such boats be required to fish under the bag limit when under charter or when there are more than five persons aboard, including captain and crew.

The minority report noted that charter vessels and headboats typically target reef fish commercially when business is slow. The report stated that up to five persons are needed to fish commercially on such boats, especially when using bottom rigs. Based on the Council's proposal, a charter vessel or headboat not under charter but with four or five persons aboard would therefore be unduly restricted to the bag limit, and would not be able to fish commercially. The report also stated that four or five persons on such boats may be needed to man lines for bottom fishing.

Further, the report stated that the Council based its proposal on the requirements for mackerel charter vessels and headboats as contained in the Coastal Migratory Pelagics FMP, which typically do not use multiple troll lines while fishing commercially.

Response: NOAA supports the Council's proposal, and believes that charter vessels and headboats with permits to fish under the commercial quota should be required to fish under the bag limit when under charter or when there are more than three persons

aboard, including captain and crew. Data available from NOAA surveys of charter vessels and headboats indicate that most such boats do not typically use over three persons on board to fish commercially for reef fish. Based on this information, economic impacts associated with this rule will be limited to a few charter vessels and headboats that would not be able to utilize their permits to fish under the commercial quota. Furthermore, the rule will allow effective enforcement of recreational bag limits consistent with legitimate use of commercial permits for the large majority of vessels affected by this rule.

The minority report proposal might encourage boats under charter with five persons total on board to harvest excess amounts of reef fish by claiming to be fishing commercially. NOAA believes that the ensuing difficulties and losses to enforcement of conservation and allocative measures would far outweigh any benefits to be derived from a rule which would accommodate legitimate commercial fishing by these few boats when not under charter.

The net effect of the Council's proposal is a reduction of fishing mortality by charter vessels and headboats, thus contributing to necessary conservation of the overfished reef fish resources. This benefit justifies the economic impacts on the few such vessels that are adversely affected by the Council's proposal.

Changes from the Proposed Rule

In § 641.4(c), the fees charged for each permit and for each fish trap identification tag are specified as \$23 and \$1, respectively. These amounts were included in the preamble to the proposed rule as the initial fees to be charged but were not specified in the codified section. An earlier, preliminary analysis of the administrative costs of issuing permits and tags had indicated fees of \$17 and \$1. Those amounts were included in the RIR/IRFA which accompanied Amendment 1. A more detailed analysis of the direct and indirect administrative costs of issuing permits and tags, including current information on Department of Commerce and NOAA overhead and other costs, rounded to whole dollar amounts, resulted in the current fees of \$23 and \$1. Any revision of these fees necessitated by a significant change in the administrative costs will be made by appropriate amendment to § 641.4(c).

The heading of § 641.6 is revised by adding the word "structure" to identify more clearly the requirements for identification contained in that section.

The prohibitions of §§ 641.7(f) and 641.21(d) on purchase or sale of reef fish

smaller than the minimum sizes is removed as unnecessarily duplicative. The possession of reef fish smaller than the minimum sizes is prohibited by the regulations in this part, and purchase or sale of any fish taken or retained in violation of any regulations issued under the Magnuson Act is prohibited by the general prohibitions in § 620.7.

In §§ 641.24(b) and 641.25, the bag limit and commercial quotas of "All others—unlimited" are removed. "Unlimited" does not constitute a bag limit or a quota and it is unnecessary to include a rule to indicate that harvest restrictions are not established for other species.

Section 641.27 of the proposed rule included the statement from Amendment 1 of the long-term optimum yield of the reef fish fishery and contained procedures from Amendment 1 for setting TAC and adjusting management measures annually by regulation. The optimum yield and TAC procedures would apply to the Council and NMFS but are not regulatory in nature because they do not control the behavior of fishermen. Accordingly, NOAA has concluded that regulatory language is not necessary to implement the procedures for adjusting optimum yield, TAC, or size limits, quotas, or other management measures. NOAA chose to publish the optimum yield and TAC procedures in the proposed rule as the most effective means of notifying interested persons and obtaining public comments. Accordingly, the statement of long-term optimum yield and the TAC procedures for setting total allowable catch and adjusting management measures annually, contained in Amendment 1, are approved but need have no regulations to implement those procedures. Consequently, § 641.27, as published in the proposed rule, is not included in this final rule.

As discussed above, NOAA is disapproving the application to the unsorted catch of reef fish in the groundfish trawl fishing of (1) the bag and size limits, (2) the permit requirement for sale of reef fish, and (3) the commercial closure provisions. Accordingly, a definition of *groundfish trawl fishery* is added to § 641.2 and exemptions for the groundfish trawl fishery are added at § 641.27.

Approval of Amendment 1

NOAA concurs with the problems in the reef fish fishery and the management objectives as stated in Amendment 1. NOAA finds that the management measures of Amendment 1 address the problems and may achieve the objectives, and, accordingly, with the limited exception noted above

regarding the groundfish trawl fishery, NOAA approves Amendment 1.

Effective Dates

The new vessel, structure, and gear identification requirements (§ 641.6) and bag and possession limits (§ 641.24) implemented by this rule depend, for application and enforcement, upon a categorization of reef fish fishermen in accordance with permitting requirements. Accordingly, the permit requirements (§ 641.4) are effective January 22, 1990, and §§ 641.6 and 641.24 (and their corresponding prohibitions in § 641.7) will be effective April 22, 1990. The delayed effectiveness of §§ 641.6 and 641.24 will allow sufficient time for owners and operators in the fishery to obtain and submit applications and for NMFS to process and issue permits. All other changes in this rule will be effective February 21, 1990.

This rule contains alternative minimum size limits for amberjack (§ 641.21(a)(6)) that depend on whether the person catching the amberjack is subject to the bag limits. Since the bag limit provisions will not be effective until April 22, 1990, the smaller of the alternative size limits (28 inches fork length) will apply to all harvests of amberjack from February 21, 1990 until April 22, 1990. Effective April 22, 1990, the 28-inch minimum size limit will apply to a person subject to the bag limit and a 36-inch (fork length) size limit will apply to a person not subject to the bag limit.

The prohibitions of the current rule that deal with the requirement to have a permit to fish with a fish trap and with the requirements for gear, vessel, and structure identification (§ 641.7(a) and (b)) will remain in effect until April 22, 1990.

The delayed effectiveness of portions of this rule notwithstanding, the commercial quotas established in § 641.25 will apply to the fishing year commencing on January 1, 1990.

Classification

The Secretary of Commerce determined that Amendment 1 is necessary for the conservation and management of the reef fish fishery and that it is consistent with the Magnuson Act and other applicable law.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This rule is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, state, or local

government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) for the proposed rule. Based on the RIR/IRFA, which described the effects the rule would have on small business entities, the Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) concluded that the proposed rule, if adopted, will have significant economic effects on a substantial number of small entities. A summary of the economic effects was included in the proposed rule published at 54 FR 41297, October 6, 1989, and is not repeated here.

NMFS has prepared a Final Regulatory Flexibility Analysis (FRFA) which addresses the need for the objectives of the final rule, summarizes public comments and responses thereto, explains changes to the proposed rule made by the final rule, and refers to discussion of proposed and alternative management measures designed to minimize significant economic impacts on small entities.

The Council has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not have an approved coastal zone management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. None of the states commented within the statutory time period, and, therefore, consistency is automatically implied.

The Council prepared an environmental assessment (EA) for Amendment 1 and, based on the EA, the Assistant Administrator concluded that there will be no significant adverse impact on the human environment as a result of this rule.

This rule contains two new collection-of-information requirements and revises two existing requirements subject to the Paperwork Reduction Act. These collections of information have been approved by the Office of Management and Budget, and the following OMB Control Numbers apply: permit requirement (revised) OMB #0648-0206; headboat requirement (revised) OMB #0648-0016; charter boat logbook requirement (new) OMB #0648-0233;

and commercial boat logbook (new) OMB #0648-0234.

A comment received from a state agency during the public comment period regarding implementation of Amendment 1's size limit for jewfish implicated federalism principles to an extent that was sufficient to warrant preparation of a federalism assessment under E.O. 12812 to address that measure. A federalism assessment was prepared which concluded that implementation of the measure was consistent with the principles, criteria, and requirements of E.O. 12812.

The Assistant Administrator, pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d)(3), finds for good cause, namely, to provide for timely and effective implementation of necessary conservation measures, that it is not necessary to delay for 30 days the effective date of § 641.4 of this rule.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 17, 1990.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for Part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Effective February 21, 1990, in § 641.1, paragraph (b) is revised to read as follows:

§ 641.1 Purpose and scope.

(b) This part governs conservation and management of reef fish in the EEZ of the Gulf of Mexico, except that §§ 641.5 and 641.25 also apply to fish from adjoining State waters.

3. Effective February 21, 1990, in § 641.2, the definition for *Management area* is removed; Figures 1 and 2 are redesignated as Appendix A, Figures 1 and 2; in the definition for *Fork length*, the parenthetical phrase "(See Appendix A, Figure 1.)" is added after the period; in the definition for *Powerhead*, the word "which" is revised to read "that"; in the definition for *Statistical area*, the phrase "Appendix A." is added before the word "Figure"; in the definition for *Total length*, the word "when" is added before the word "depressed" and the parenthetical phrase at the end of the definition is revised to read "(See Appendix A, Figure 1.)"; the definitions

for *Charter vessel*, *headboat*, *reef fish*, and *Roller trawl* are revised; and new definitions for *Buoy gear*, *Groundfish trawl fishery*, and *Trip* are added in alphabetical order to read as follows:

§ 641.2 Definitions.

Buoy gear means fishing gear consisting of a float and one or more weighted lines suspended therefrom, generally long enough to reach the bottom, on which there is a hook or hooks (usually 6 to 10) at or near the end, which is allowed to drift freely with periodic retrieval to remove catch and rebait hooks.

Charter vessel means a vessel whose operator is licensed by the U.S. Coast Guard to carry six or fewer paying passengers and whose passengers fish for a fee. A charter vessel with a permit to fish on a commercial quota for reef fish is under charter when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Groundfish trawl fishery means fishing by a vessel that uses a bottom trawl, the unsorted catch of which is ground up for animal feed or industrial products.

Headboat means a vessel whose operator is licensed by the U.S. Coast Guard to carry seven or more paying passengers and whose passengers fish for a fee. A headboat with a permit to fish on a commercial quota for reef fish is operating as a headboat when it carries a passenger who fishes for a fee, or when there are more than three persons aboard including operator and crew.

Reef fish refers to fish in the following two categories:

(a) *Management unit*. Species taken in the directed fishery include the following:

Snappers—*Lutjanidae* Family

Queen snapper, *Etelis oculatus*
Mutton snapper, *Lutjanus analis*
Schoolmaster, *Lutjanus apodus*
Blackfin snapper, *Lutjanus buccanella*
Red snapper, *Lutjanus campechanus*
Cubera snapper, *Lutjanus cyanopterus*
Gray (mangrove) snapper, *Lutjanus griseus*
Dog snapper, *Lutjanus jocu*
Mahogany snapper, *Lutjanus mahogoni*
Lane snapper, *Lutjanus synagris*
Silk snapper, *Lutjanus vivanus*
Yellowtail snapper, *Ocyurus chrysurus*
Wenchman, *Pristipomoides aquilonaris*
Vermilion snapper, *Rhomboplites aurorubens*

Grouper—Serranidae Family

Rock hind, *Epinephelus adscensionis*
 Speckled hind, *Epinephelus drummondhayi*
 Yellowedge grouper, *Epinephelus flavolimbatus*
 Red hind, *Epinephelus guttatus*
 Jewfish, *Epinephelus itajara*
 Red grouper, *Epinephelus morio*
 Misty grouper, *Epinephelus mystacinus*
 Warsaw grouper, *Epinephelus nigritus*
 Snowy grouper, *Epinephelus niveatus*
 Nassau grouper, *Epinephelus striatus*
 Black grouper, *Mycteroperca bonaci*
 Yellowmouth grouper, *Mycteroperca interstitialis*
 Gag, *Mycteroperca microlepis*
 Scamp, *Mycteroperca phenax*
 Yellowfin grouper, *Mycteroperca venenosa*

Sea Basses—Serranidae Family

Bank sea bass, *Centropristis ocyurus*
 Rock sea bass, *Centropristis philadelphica*
 Black sea bass, *Centropristis striata*

Tilefishes—Molacanthidae Family

Goldface tilefish, *Caulolatilus chrysops*
 Blackline tilefish, *Caulolatilus cyanops*
 Anchor tilefish, *Caulolatilus intermedius*
 Blueline tilefish, *Caulolatilus microps*
 Tilefish, *Lopholatilus chamaeleonticeps*

Jacks—Carangidae Family

Greater amberjack, *Seriola dumerili*
 Lesser amberjack, *Seriola fasciata*

Grunts—Haemulidae Family

White grunt, *Haemulon plumieri*

Porgies—Sparidae Family

Red porgy, *Pagrus pagrus*

Triggerfishes—Balistidae Family

Gray triggerfish, *Balistes capricus*

(b) *Fishery.* Species taken incidental to the directed fishery include the following:

Wrasses—Labridae Family

Hogfish, *Lachnolaimus maximus*

Grunts—Haemulidae Family

Tomtate, *Haemulon aurolineatum*
 Pigfish, *Orthopristis chrysoptera*

Porgies—Sparidae Family

Grass porgy, *Calamus arctifrons*
 Jolihead porgy, *Calamus bajonado*
 Knobbed porgy, *Calamus nodosus*
 Littlehead porgy, *Calamus proridens*
 Pinfish, *Logodon rhomboides*

Sand Perches—Serranidae Family

Dwarf sand perch, *Diplectrum bivittatum*
 Sand perch, *Diplectrum formosum*

Triggerfishes—Balistidae Family

Queen triggerfish, *Balistes vetula*

Roller trawl means a trawl net equipped with a series of large solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, i.e., in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

4. Effective January 22, 1990, § 641.4 is revised to read as follows:

§ 641.4 Permits.

(a) *Applicability.* (1) As a prerequisite to selling reef fish and to be eligible for exemption from the bag limits specified in § 641.24(b), an owner or operator of a vessel that fishes in the EEZ or a person who fishes in the EEZ from a structure must obtain an annual vessel permit.

(2) A qualifying owner or operator of a charter vessel or headboat may obtain a permit. However, a charter vessel or headboat must adhere to applicable bag limits when under charter or carrying a passenger who fishes for a fee.

(3) For a corporation to be eligible for a vessel permit, the statement required by paragraph (b)(2)(xi) of this section must be provided by a shareholder or officer of the corporation or the vessel operator.

(4) An owner or operator of a vessel using a fish trap in the EEZ or a person using a fish trap from a structure in the EEZ must obtain both a vessel permit and a color code from the Regional Director.

(5) A vessel permit issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(b) *Application for permit.* (1) An application for a vessel permit must be submitted and signed by the owner or operator of the vessel or by a person who fishes from a structure. The application must be submitted to the Regional Director at least 60 days prior to the date on which the applicant desires to have the permit made effective.

(2) Permit applicants must provide the following information (a person fishing from a structure may omit vessel information):

(i) Name, mailing address including zip code, and telephone number of the owner of the vessel;

(ii) Name, mailing address including zip code, and telephone number of the applicant, if other than the owner;

(iii) Social security number and date of birth of the applicant and the owner;

(iv) Name of the vessel;

(v) The vessel's official number;

(vi) Home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(vii) Engine horsepower and year the vessel was built;

(viii) Type of gear to be fished and other fisheries vessel is used for;

(ix) Passenger capacity and U.S. Coast Guard license number(s) of vessel operator(s) if the vessel also operates as a charter vessel or headboat during the year;

(x) Any other information concerning vessel and gear characteristics requested by the Regional Director;

(xi) A sworn statement by the applicant certifying that more than 50 percent of his or her earned income was derived from commercial, charter, or headboat fishing during the calendar year preceding the application;

(xii) Proof of certification, as required by paragraph (b)(3) of this section;

(xiii) If fish traps will be used to harvest reef fish,

(A) The number, dimensions, and estimated cubic volume of the fish traps that will be used;

(B) The applicant's desired color code for use in identifying his or her vessel and buoys; and

(C) A statement that the applicant will allow an authorized officer reasonable access to his or her property (vessel, dock, or structure) to examine fish traps for compliance with these regulations; and

(xiv) If fish traps will be used from a fixed structure,

(A) The name and number of the oil or gas structure or the most descriptive identification for other types of structures; and

(B) The location of the structure in latitude and longitude or distance and direction from a fixed point of land.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(xi) of this section before a permit is issued or to substantiate why such a permit should not be denied, revoked, or otherwise

sanctioned under paragraph (i) of this section.

(4) Any change in the information specified in paragraph (b) of this section must be submitted in writing to the Regional Director by the permit holder within 30 days of any such change. Failure to notify the Regional Director of any change in the required information will result in a presumption that the information is still accurate and current.

(c) *Fees.* A fee of \$23 will be charged for each permit issued under paragraph (a) of this section and a fee of \$1 will be charged for each fish trap identification tag required under § 641.6(d). The appropriate fee must accompany each permit application or request for fish trap identification tags.

(d) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit at any time during the fishing year to the applicant. In addition, the Regional Director will issue a numbered tag for each fish trap that is used in the EEZ and will designate a color code to be used for the identification of each vessel and fish trap buoys when such vessel and buoys are used to fish with fish traps in the EEZ.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days, the application will be considered abandoned.

(e) *Permit condition.* Compliance with the reporting requirements of § 641.8 is a condition for the issuance, reissuance, or continuing validity of a permit issued under this section. Failure to comply with those requirements may result in the denial or sanction of a permit pursuant to subpart D of 15 CFR part 904.

(f) *Duration.* A permit remains valid for the remainder of the fishing year for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904.

(g) *Transfer.* A permit issued under this section is not transferable or assignable. A person purchasing a vessel with a permit to fish for reef fish must apply for a permit in accordance with the provisions of paragraph (b) of this section. The application must be accompanied by a copy of an executed (signed) bill of sale.

(h) *Display.* A permit issued under this section must be carried on board the fishing vessel or fixed structure, and such vessel or structure must be identified as provided for in § 641.6. The operator of a fishing vessel or person fishing fish traps from a fixed structure

must present the permit for inspection upon request of an authorized officer.

(i) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(k) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application.

5. Effective February 21, 1990, in § 641.5, in paragraph (b), the introductory text and paragraph (b)(2) are revised, in paragraphs (b)(1) and (b)(3) through (6), the semicolons are removed and periods are added in their place, and paragraphs (b)(7) and (8) are removed; in paragraph (c), the introductory text is revised, in paragraphs (c)(1) through (4), the semicolons are removed and periods are added in their place, and in paragraph (c)(5), the semicolon and the word "and" are removed and a period is added in their place; in paragraph (d), in the introductory text, the phrase "or parts thereof" is removed where it appears in two places and the commas preceding and following the second appearance are removed; in paragraph (g), the introductory text is revised, in paragraphs (g)(1) through (3), the semicolons are removed and periods are added in their place, in paragraph (g)(4), the semicolon and the word "and" are removed and a period is added in their place, and a new paragraph (g)(6) is added; in paragraph (h), in the introductory text, the words "or quarterly" are revised to read "or more frequent"; and paragraphs (f) and (i) are revised to read as follows:

§ 641.5 Recordkeeping and reporting.

(b) *Vessels and persons fishing with fish traps.* The owner or operator of a vessel or a person on a structure permitted under § 641.4 to fish with a fish trap in the Gulf of Mexico EEZ or who fishes in adjoining State waters must maintain a fishing record on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director so as to be received not later than 7 days after the end of each fishing trip or, in the case of a person fishing with fish traps from a structure, not later than 7 days after the end of each month. If no fishing occurred during a month, a report so stating must be submitted on one of the forms to be received not later than 7 days after the end of each month. If fishing occurred, the following information must be reported:

(2) Pounds of catch of reef fish by species for each type of gear used.

(c) *Vessels not fishing with fish traps.* The owner or operator of a vessel that is permitted under § 641.4 to fish with gear other than fish traps in the Gulf of Mexico EEZ, or who fishes in adjoining State waters, and who is selected by the Science and Research Director, must maintain a fishing record for each fishing trip on a form available from the Science and Research Director. These forms must be submitted to the Science and Research Director on a monthly basis (or more frequently, if requested by the Science and Research Director) so as to be received not later than the 7th day of the end of the reporting period. If no fishing occurred during a month, a report so stating must be submitted on one of the forms. If fishing occurred, the following information must be reported for each trip:

(f) *Charter vessels.* The owner or operator of a charter vessel that fishes for or lands reef fish under the bag limits in the Gulf of Mexico EEZ or in adjoining State waters, and who is selected to report, must maintain a daily fishing record for each trip on forms provided by the Science and Research Director, and must submit the forms to the Science and Research Director weekly within 7 days of the end of each week (Sunday). Information on the forms includes, but is not limited to the following:

(1) Name and official number of vessel.

(2) Operator's Coast Guard license number.

(3) Date and duration of fishing (hours) of each trip.

(4) Number of fishermen on trip.

(5) Fishing location, by statistical area.

(6) Fishing methods and type of gear.

(7) Species targeted.

(8) Number and estimated weight of fish caught by species.

(g) *Headboats.* The owner or operator of a headboat that fishes for or lands reef fish in the Gulf of Mexico EEZ or in adjoining State waters, and who is selected to report, must maintain a fishing record for each trip, or a portion of such trips as specified by the Science and Research Director, on forms provided by the Science and Research Director and must report the following information at least monthly within 7 days of the end of each month:

(6) Operator's U.S. Coast Guard license number.

(i) *Additional data and inspection.* Additional data will be collected by authorized statistical reporting agents, as designees of the Science and Research Director, and by authorized officers. An owner or operator of a fishing vessel, a person fishing traps from a structure, and a dealer or processor are required upon request to make reef fish or parts thereof available for inspection by the Science and Research Director or an authorized officer.

6. Effective April 23, 1990, § 641.8 is revised to read as follows:

§ 641.8 Vessel, structure, and gear identification.

(a) *Vessel.* (1) A vessel for which a permit has been issued under § 641.4 must display its official number—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(ii) In block arabic numerals in contrasting color to the background;

(iii) At least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels; and

(iv) Permanently affixed to or painted on the vessel.

(2) In addition, a vessel for which a permit has been issued under § 641.4 to fish with fish traps must display its color code—

(i) On the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from an enforcement vessel or aircraft;

(ii) In the form of a circle at least 20 inches in diameter; and

(iii) Permanently affixed to or painted on the vessel.

(b) *Structures.* A person fishing from a structure with a fish trap who has been issued a permit under § 641.4 must display his permit number and color code—

(1) So as to be clearly visible from an enforcement vessel or aircraft;

(2) With the permit number in block arabic numerals in contrasting color to the background;

(3) With the permit number at least 10 inches in height;

(4) With the color code in the form of a circle at least 20 inches in diameter; and

(5) Permanently affixed to or painted on the structure.

(c) *Duties of operator or person.* The operator of each fishing vessel specified

in paragraph (a) of this section or person specified in paragraph (b) of this section must—

(1) Keep the official number or permit number and color code clearly legible and in good repair, and

(2) Ensure that no part of the fishing vessel or structure, its rigging, fishing gear, or any other material aboard obstructs the view of the official number or permit number and color code from any enforcement vessel or aircraft.

(d) *Fish traps.* Each fish trap used or possessed in the EEZ must have affixed to it an identification tag provided by the Regional Director that displays the assigned permit number, a number (normally 1-100) indicating the specific tag number for that trap, and the year for which the tag was issued. A tag for the current year must be affixed to a trap before its first use in a new year or, if in use on January 1, when it is first tended after January 1.

(e) *Buoys.* Each fish trap, or the ends of a string of fish traps, must be marked by a floating buoy or by a buoy designed to be submerged and automatically released. Each buoy used to mark fish traps must display the designated color code and permit number so as to be easily distinguished, located, and identified.

(f) *Presumption of ownership.* A fish trap in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to traps that are lost or sold if the owner reports the loss or sale within 15 days to the Regional Director.

(g) *Unmarked traps or buoys.* An unmarked fish trap or buoy deployed in the EEZ is illegal and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If an owner of an unmarked trap or buoy can be ascertained, such owner is subject to appropriate civil penalties.

7. In § 641.7,

a. Effective from February 21, 1990 through April 23, 1990, in paragraph (a) the comma and phrase "as required by § 641.4" are removed and paragraphs (a) and (b) are redesignated as paragraphs (i) and (u), after which period of effectiveness paragraphs (i) and (u) are removed; and

b. Effective February 21, 1990, paragraphs (c) through (k) are removed; new paragraphs (a) through (s) are added; and new paragraphs (b), (e), (p), (r), and (s) are stayed until April 23, 1990 to read as follows:

§ 641.7 Prohibitions.

(a) Falsify information specified in § 641.4(b)(2) on an application for a vessel permit.

(b) Fail to display a permit, as specified in § 641.4(h).

(c) Falsify or fail to provide information required to be submitted or reported, as required by § 641.5(b) through (h).

(d) Fail to make reef fish or parts thereof available for inspection, as required by § 641.5(i).

(e) Falsify or fail to display and maintain vessel, structure, and gear identification, as required by § 641.6.

(f) Possess a reef fish smaller than the minimum size limits, as specified in § 641.21(a).

(g) Possess a reef fish without its head and fins intact, as specified in § 641.21(b).

(h) Fish with poisons or explosives or possess on board a fishing vessel any dynamite or similar explosive substance, as specified in § 641.22(a).

(i) Use or possess in the EEZ a fish trap that does not conform to the requirements for escape windows, degradable openings, and mesh sizes specified in § 641.22(b)(1), (2), and (3).

(j) Use in the EEZ shoreward of the 50-fathom isobath a fish trap that exceeds the maximum allowable size specified in § 641.22(b)(4).

(k) Fish or possess in the EEZ more than 100 fish traps per vessel or structure, as specified in § 641.22(b)(5).

(l) Pull or tend a fish trap, except during the hours specified in § 641.22(b)(6)(i); or tend, open, pull, or otherwise molest or have in possession another person's fish trap, except as specified in § 641.22(b)(6)(ii).

(m) Use a powerhead to take reef fish of the management unit in the stressed area, as specified in § 641.23(e)(1).

(n) Use a fish trap or a roller trawl in the stressed area, as specified in § 641.23(e)(2).

(o) Use a longline or buoy gear to fish for reef fish in the longline and buoy gear-restricted area, as specified in § 641.23(b).

(p) Exceed the bag and possession limits, as specified in § 641.24(a) through (d).

(q) Operate a vessel with reef fish aboard that are smaller than the minimum size limits, do not have head and fins intact, or are in excess of the cumulative bag limit, as specified in § 641.21(c) and 641.24(e).

(r) Transfer reef fish at sea, as specified in § 641.24(f).

(s) Purchase, barter, trade, or sell a reef fish taken by a vessel that does not have a permit or by a person fishing from a structure who does not have a

permit, as specified in § 641.4(a), or taken under the bag limits, as specified in § 641.24(g).

8. Effective February 21, 1990, in § 641.24, Figure 4 is redesignated as Appendix A, Figure 3; § 641.26 is redesignated as § 641.28; §§ 641.21 through 641.25 are revised; new §§ 641.26 and 641.27 are added; and newly revised § 641.24 is stayed until April 23, 1990 to read as follows:

§ 641.21 Harvest limitations.

(a) *Minimum sizes.* The following minimum size limits apply for the possession of reef fish in or taken from the EEZ:

- (1) Red snapper—13 inches total length.
 - (2) Gray, mutton, and yellowtail snappers—12 inches total length.
 - (3) Lane and vermillion snappers—8 inches total length.
 - (4) Jewfish—30 inches total length.
 - (5) Red, Nassau, yellowfin, and black groupers and gag—20 inches total length.
 - (6) Greater amberjack—28 inches fork length for a fish taken by a person subject to the bag limit specified in § 641.24(b)(4) and 36 inches fork length, for a fish taken by a person not subject to the bag limit.
 - (7) Black sea bass—8 inches total length.
- (b) *Head and fins intact.* A reef fish subject to a minimum size limit specified in paragraph (a) of this section possessed in the EEZ must have its head and fins intact and such reef fish taken from the EEZ must have its head and fins intact through landing. Such reef fish may be eviscerated but must otherwise be maintained in a whole condition.

(c) *Operator responsibility.* The operator of a vessel that fishes in the EEZ is responsible for ensuring that reef fish possessed aboard that vessel comply with the minimum sizes specified in paragraph (a) of this section and are maintained with head and fins intact as specified in paragraph (b) of this section.

§ 641.22 Gear restrictions.

(a) *Poisons and explosives.* Poisons and explosives may not be used to take reef fish in the EEZ; however, powerheads may be used outside the stressed area. A vessel in the reef fish fishery may not possess on board any dynamite or similar explosive substance.

(b) *Fish traps.* A fish trap used or possessed in the EEZ and a person using a fish trap in the EEZ are subject to the following requirements and limitations:

(1) *Escape windows.* Each trap must have at least two escape windows on each of two sides, excluding the bottom (a total of four escape windows), that are 2×2 inches or larger.

(2) *Openings and degradable fasteners.*

(i) A degradable panel or access door must be located opposite each side of the trap that has a funnel.

(ii) The opening covered by each degradable panel or access door must be 144 square inches or larger, with one dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel) with no other dimension less than 6 inches.

(iii) The hinges and fasteners of each degradable panel or access door must be constructed of one of the following materials:

- (A) Untreated jute string of 3/4-inch diameter or smaller; or
- (B) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(3) *Mesh sizes.* A fish trap must meet all of the following mesh size requirements (based on centerline measurements between opposite wires or netting strands) (see Appendix A, Figure 3):

- (i) A minimum of 2 square inches of opening for each mesh;
- (ii) One-inch minimum length for the shortest side;
- (iii) Minimum distance of 1 inch between parallel sides of rectangular openings, and 1.5 inches between parallel sides of square openings and of mesh openings with more than four sides; and
- (iv) One and nine-tenths (1.9) inches minimum distance for diagonal measures of mesh.

(4) *Maximum allowable size.* The maximum allowable size for a fish trap fished in the EEZ shoreward of the 50-fathom isobath (300-foot contour) is 33 cubic feet in volume. Fish trap volume is determined by measuring the external dimensions of the trap, and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom isobath.

(5) *Effort limitation.* The maximum number of traps that may be assigned to, possessed, or fished in the EEZ by a vessel or from a structure is 100.

(6) *Tending traps.*

(i) A reef fish trap may be pulled or tended only during the period from official (civil) sunrise to official (civil) sunset.

(ii) A reef fish trap may be tended only by a person (other than an authorized officer) aboard the vessel

permitted to fish such trap, or aboard another vessel if such vessel has on board written consent of the vessel permit holder.

§ 641.23 Area limitations.

(a) *Stressed area.*

(1) A powerhead may not be used in the stressed area to take reef fish of the management unit. Possession of a powerhead and a mutilated reef fish of the management unit in the stressed area or after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area.

(2) A fish trap or a roller trawl may not be used in the stressed area. A fish trap used in the stressed area will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If an owner of such fish trap can be ascertained, such owner is subject to appropriate civil penalties.

(3) The stressed area is that portion of the EEZ in the Gulf of Mexico shoreward of a line connecting the points listed in Appendix A, Table 1. (See also Appendix A, Figure 4.)

(b) *Longline and buoy gear restricted area.*

(1) Longline and buoy gear may not be used to fish for reef fish in the longline and buoy gear restricted area. For the purposes of this paragraph (b), fishing for reef fish means possessing or landing reef fish—

- (i) For which a bag limit is specified in § 641.24(b), in excess of that bag limit; or
- (ii) For which no bag limit is specified, in excess of 5 percent by weight of all fish aboard or landed.

(2) A person aboard a vessel that uses on any trip longline or buoy gear in the longline and buoy gear restricted area to fish for species other than reef fish is limited on that trip to the bag limits specified in § 641.24(b) and, for other reef fish, to 5 percent by weight of all fish aboard the vessel or landed.

(3) The longline and buoy gear restricted area is that portion of the EEZ in the Gulf of Mexico shoreward of a line connecting the points listed in Appendix A, Table 2. (See also Appendix A, Figure 5.)

§ 641.24 Bag and possession limits.

(a) *Applicability.* Bag limits apply to a person who fishes in the EEZ—

- (1) From a fixed structure without a permit specified in § 641.4;
- (2) From a vessel—
 - (i) That does not have on board a permit specified in § 641.4.

(ii) With trawl gear or entangling net gear on board.

(iii) With a longline or buoy gear on board when such vessel is fishing or has fished on its present trip in the longline and buoy gear restricted area specified in § 641.23(b), or

(iv) That is carrying a passenger who fishes for a fee; or

(3) For a species for which the quota specified in § 641.25 has been reached and closure has been effected.

(b) *Bag limits.* Daily bag limits are:

(1) Red snapper—7.

(2) Snappers, excluding red, lane, and vermillion snapper—10.

(3) Groupers—5.

(4) Greater amberjack—3.

(c) *Possession limits.* A person subject to a bag limit may not possess in or from the EEZ during a single day, regardless of the number of trips or the duration of a trip, any reef fish in excess of the bag limits specified in paragraph (b) of this section, except that a person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is aboard a charter vessel or headboat, and.

(1) The vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours, and

(2) Each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(d) *Combination of bag limits.* A person who fishes in the EEZ may not combine a bag limit specified in paragraph (b) of this section with a bag or possession limit applicable to State waters.

(e) *Responsibility for bag and possession limits.* The operator of a vessel that fishes in the EEZ is responsible for the cumulative bag or possession limit applicable to that vessel, based on the number of persons aboard.

(f) *Transfer of reef fish.* A person for whom a bag or possession limit specified in paragraph (b) or (c) of this section applies may not transfer at sea a reef fish—

(1) Taken in the EEZ; or

(2) In the EEZ, regardless of where such reef fish was taken.

(g) *Sale.* A reef fish taken under the bag limits specified in paragraph (b) of this section may not be purchased, bartered, traded, or sold.

§ 641.25 Commercial quotas.

Persons who are fishing under a permit issued pursuant to § 641.4, provided they are not subject to the bag limits specified in § 641.24, are subject to the following quotas each fishing year:

(a) Red snapper—3.1 million pounds.

(b) Yellowedge, misty, warsaw, and snowy grouper (deep-water groupers), combined—1.6 million pounds.

(c) All other groupers, excluding jewfish, combined—6.3 million pounds.

§ 641.26 Closures.

When a commercial quota specified in § 641.25 is reached, or is projected to be reached, the Secretary will publish a notice to that effect in the Federal Register. After the effective date of such notice, for the remainder of the fishing year, the bag limit will apply to all harvest in the EEZ of the indicated species, and the purchase, barter, trade, and sale of the indicated species taken

from the EEZ is prohibited. This prohibition does not apply to trade in the indicated species that were harvested, landed, and bartered, traded, or sold prior to the effective date of the notice in the Federal Register and were held in cold storage by a dealer or processor.

§ 641.27 Exemptions for the groundfish trawl fishery.

(a) The requirements of §§ 641.4(a)(1) and 641.24(a)(2)(ii) notwithstanding, the owner or operator of a vessel in the groundfish trawl fishery is exempt from the bag limits for its unsorted catch of reef fish and is not required to obtain a permit in order to sell the vessel's unsorted catch of reef fish or to be exempt from the bag limits for the vessel's unsorted catch of reef fish.

(b) The requirements of § 641.21(a) notwithstanding, the minimum size limits do not apply to the unsorted catch of a vessel in the groundfish trawl fishery.

(c) The requirements of § 641.28 notwithstanding, after a closure, the bag limits and the prohibition on purchase, barter, trade, or sale do not apply to the unsorted catch of reef fish in the groundfish trawl fishery.

(d) The harvest limitations of § 641.21 and the bag and possession limits of § 641.24 apply to any reef fish that may be sorted from the catch of a vessel in the groundfish trawl fishery.

9. Effective February 21, 1990, a new Appendix A is added to part 641 consisting of new Tables 1 and 2, newly redesignated Figures 1, 2, and 3, and new Figures 4 and 5 to read as follows: Appendix A to part 641—Tables and Figures.

TABLE 1.—SEAWARD COORDINATES OF THE STRESSED AREA.

Point No. and reference location ¹	North latitude	West longitude
1 Seaward limit of Florida's waters northeast of Dry Tortugas	24°45.0'	82°41.5'
2 North of Marquesas Keys	24°48.0'	82°08.5'
3 Off Cape Sable	25°15.0'	82°02.0'
4 Off Sanibel Island—Inshore	26°26.0'	82°29.0'
5 Off Sanibel Island—Offshore	26°26.0'	82°59.0'
6 West of Egmont Key	27°30.0'	83°21.5'
7 Off Anclote Keys—Offshore	28°10.0'	83°45.0'
8 Off Anclote Keys—Inshore	28°10.0'	83°14.0'
9 Off Deadman Bay	29°38.0'	84°00.0'
10 Seaward limit of Florida's waters east of Cape St. George	29°35.5'	84°38.6'
Thence westerly along the seaward limit of Florida's waters to		
11 Seaward limit of Florida's waters south of Cape San Blas	29°32.2'	85°27.1'
12 Southwest of Cape San Blas	29°30.5'	85°52.0'
13 Off St. Andrew Bay	29°53.0'	86°10.0'
14 De Soto Canyon	30°06.0'	86°55.0'
15 South of Florida/Alabama border	29°34.5'	87°38.0'
16 Off Mobile Bay	29°41.0'	88°00.0'
17 South of Alabama/Mississippi border	30°01.5'	88°23.7'
18 Horn/Chandeleur Islands	30°01.5'	88°40.5'
19 Chandeleur Islands	29°35.5'	88°37.0'
20 Seaward limit of Louisiana's waters off North Pass of the Mississippi River	29°18.3'	89°00.0'

TABLE 1.—SEAWARD COORDINATES OF THE STRESSED AREA—Continued

Point No. and reference location ¹	North latitude	West longitude
Thence southerly and westerly along the seaward limit of Louisiana's waters to		
21 Seaward limit of Louisiana's waters off Southwest Pass of the Mississippi River	28°57.3'	89°28.2'
22 Southeast of Grand Isle	29°09.0'	89°47.0'
23 Quick flashing horn buoy south of Isles Dernieres	28°32.5'	90°42.0'
24 Southeast of Calcasieu Pass	29°10.0'	92°37.0'
25 South of Sabine Pass—10 fathoms	29°08.0'	93°41.0'
26 South of Sabine Pass—30 fathoms	28°21.5'	93°28.0'
27 East of Aransas Pass	27°49.0'	96°19.5'
28 East of Galveston Bay	27°12.0'	96°51.0'
29 Northeast of Port Mansfield	26°48.5'	96°52.0'
30 Northeast of Port Isabel	26°21.5'	96°35.0'
31 U.S./Mexico EEZ boundary	26°00.5'	96°36.0'
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.		

¹ Nearest identifiable landfall, boundary, navigational aid, or submarine area.

TABLE 2.—SEAWARD COORDINATES OF THE LONGLINE AND BUOY GEAR RESTRICTED AREA

Point No. and reference location ¹	North latitude	West longitude
1 Seaward limit of Florida's waters north of Dry Tortugas	24°48.0'	82°48.0'
2 North of Rebecca Shoal	25°07.5'	82°34.0'
3 Off Sanibel Island—Offshore	26°26.0'	82°59.0'
4 West of Egmont Key	27°30.0'	83°21.0'
5 Off Anclote Keys—Offshore	28°10.0'	83°45.0'
6 Southeast corner of Florida Middle Ground	28°11.0'	84°00.0'
7 Southwest corner of Florida Middle Ground	28°11.0'	84°07.0'
8 West corner of Florida Middle Ground	28°26.6'	84°24.0'
9 Northwest corner of Florida Middle Ground	28°42.5'	84°24.0'
10 South of Carrabelle	29°05.0'	84°47.0'
11 South of Cape St. George	29°02.5'	85°09.0'
12 South of Cape San Blas lighted bell buoy—20 fathoms	29°21.0'	85°30.0'
13 South of Cape San Blas lighted bell buoy—60 fathoms	28°58.7'	85°30.0'
14 De Soto Canyon	30°08.0'	86°55.0'
15 South of Pensacola	29°46.0'	87°19.0'
16 South of Perdido Bay	29°29.0'	87°27.0'
17 East of North Pass of the Mississippi River	29°14.5'	88°28.0'
18 South of Southwest Pass of the Mississippi River	28°48.5'	89°26.0'
19 Northeast tip of Mississippi Canyon	28°38.5'	90°08.0'
20 West side of Mississippi Canyon	28°34.5'	89°59.0'
21 South of Timberlake Bay	28°22.5'	90°02.0'
22 South of Terrebonne Bay	28°10.5'	90°31.0'
23 South of Freeport	27°58.0'	95°00.0'
24 Off Matagorda Island	27°43.0'	96°02.0'
25 Off Aransas Pass	27°30.0'	96°23.0'
26 Northeast of Port Mansfield	27°00.0'	96°39.0'
27 East of Port Mansfield	26°44.0'	96°37.0'
28 Northeast of Port Isabel	26°22.0'	96°21.0'
29 U.S./Mexico EEZ boundary	26°00.5'	96°24.0'
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.		

¹ Nearest identifiable landfall, boundary, navigational aid, or submarine area.

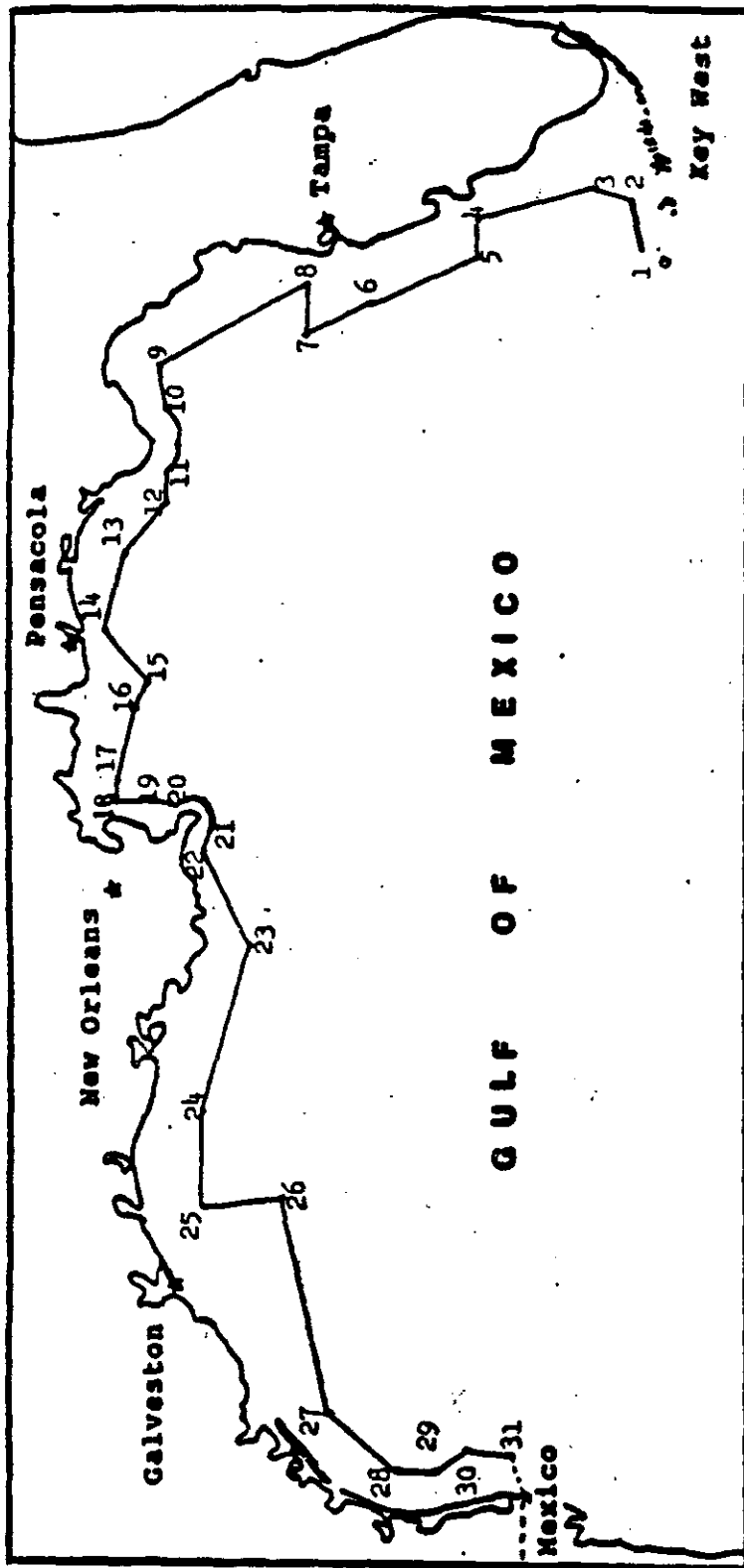


Figure 4. Seaward Limits of the Stressed Area.

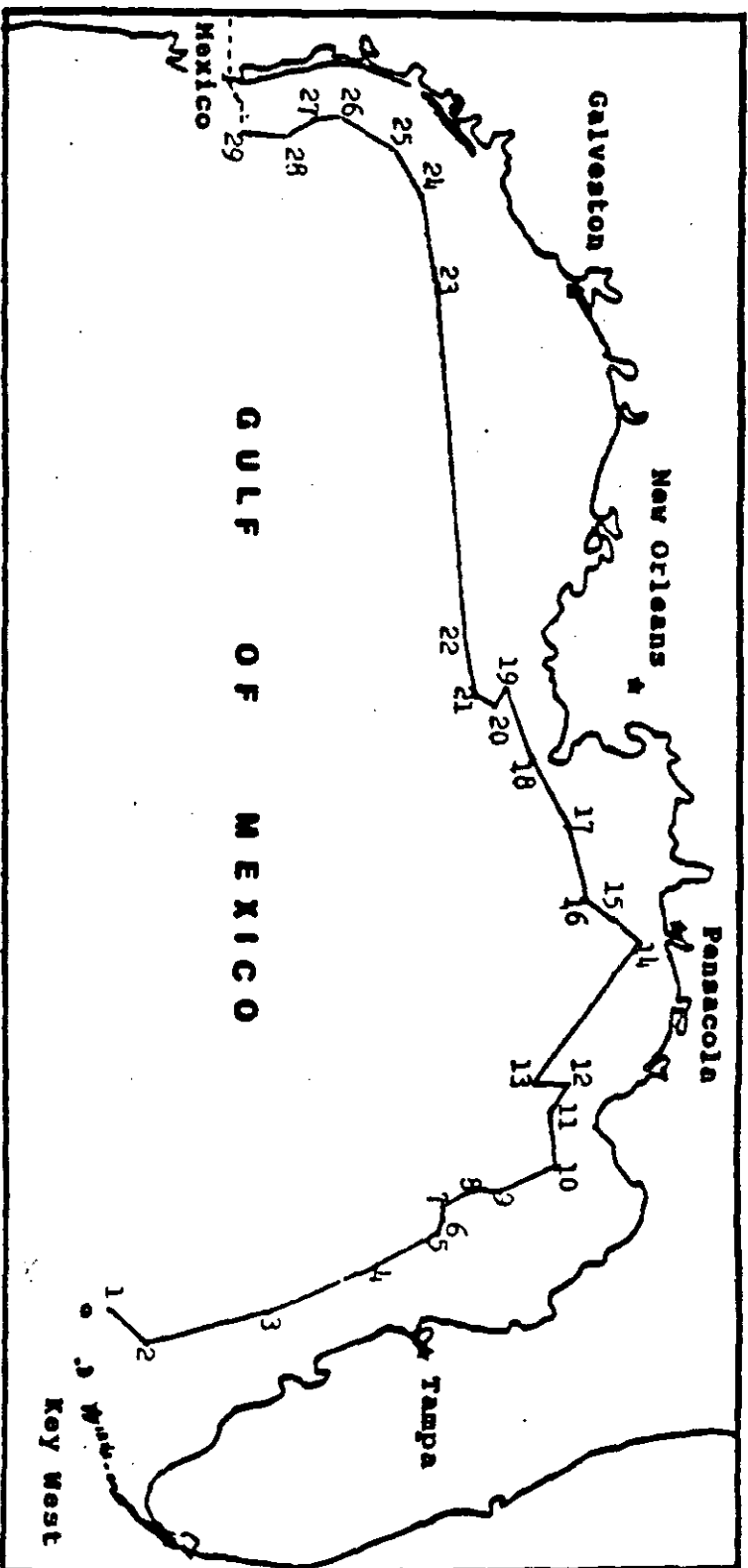


Figure 5. Seaward Limits of the Longline and Buoy Gear Restricted Area.
 [FR Doc. 90-1418 Filed 1-17-90; 8:45 am]
 GULF CODE 88-42-6

Nelson Duet Oyster Co., Inc.

Route 1 Box 52
GALLIANO, LOUISIANA 70354

NELSON DUET, President
LOUISA V. DUET, Sec.-Treas.

*Clark
Dugan
Cordier
Comm.*

Telephones
Main Office: 504/632-7306
632-7283

February 15, 1990

Virginia Van Sickle, Secretary
La. Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

Dear Mrs. Van Sickle:

Please accept this letter from us for our deep appreciation and heartfelt thanks in all you did in opening the oyster season for those five days in Lake Ponchatrain. We really appreciated all you did to help us. The game wardens were also really very nice and helped us all they could.

Thank you very much!

Sincerely,



Nelson Duet
Curtis Duet
Willis Naquin, Sr.
Junius Falgout

Nelson Duet Oyster Co., Inc.

Route 1 Box 52
GALLIANO, LOUISIANA 70354

NELSON DUET, President
LOUISA V. DUET, Sec.-Treas.

Telephones
Main Office: 504/632-7306
632-7283

February 14, 1990

Virginia Van Sickle, Secretary
Louisiana Wildlife & Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000

Dear Mrs. Van Sickle:

We the oyster farmers are greatly concerned for the coming year, as the planting season starts again.

Right now, there are several people going out with their boats into the best areas where Wildlife Fisheries has planted clam shells at Sister Lake. These oysters are one to two inches in size; and they are being fished and sold by the sack by these men and therefore they are destroying these clam shell beds as well.

Would it be possible for Wildlife and Fisheries to place enforcements at Sister Lake Camp to protect that area for our next years crop.

Your help in this matter is deeply needed. Thank you kindly.

Yours truly,



MORNING ADVOCATE

BATON ROUGE, LA

DAILY & SUNDAY

BOX 66061

B.R., LA. 70806

METROPOLITAN

Press Clipping Bureau of La.

Bureau of La. Comm.

FEB - 13 - 90

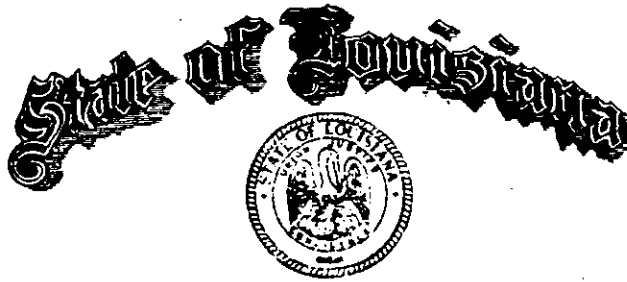
Oil pipes rupture 68

SHREVEPORT (AP) — An underwater line from an oil well ruptured, spreading a film over Caddo Lake and depositing goo along the shore, said Caddo Parish Deputy Sheriff Jack Rothell.

Rothell said about 240 gallons of oil and water spilled from the rupture in the 23-inch line Sunday morning. Most of the fluid pumped through the line is water, he added, so the environment suffered little damage.

"This is not like Alaska or California," Rothell said. "The Valdez did not turn over in Caddo Lake." He said pipes burst about twice a year at the lake.

The state Department of Conservation and the Department of Wildlife and Fisheries inspected the lake and reported no threat to wildlife, Rothell said.



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

January 12, 1990

Holiday Inn Holidome
P. O. Box 7860
Monroe, LA 71203

Attn: Barbara Murphy

Attached is a rooming list for Thursday, March 1st. If additional information is needed, please let me know.

Sincerely,

Virginia Van Sickle
Virginia Van Sickle

VVS/pc



1051 BY-PASS 165 AT I-20
P.O. BOX 7860 • MONROE, LOUISIANA 71203 • (318) 387-5100

January 8, 1990

FAX (318) 329-9126

Ms. Paula Callais
Wild Life & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

Dear Paula:

It is indeed my pleasure to confirm the dates of March 1 and 2, 1990, for your meetings which are scheduled here at our Holiday Inn Holidome.

The following is the schedule we have for you:

Thursday, March 1, 1990

2:00 PM - 5:00 PM - New Orleans Room - 50 Guests

7:00 PM - until - Second Meeting - New Orleans Room - 200 Guests

Both meetings will be set theatre style, 50 at 2:00 PM and 200 at 7:00 PM. A head table for 8, podium, and a microphone. A water station will be in the back of the room and ashtrays will be available for both meetings. The rental on the New Orleans Room will be \$100.

Friday, March 2, 1990

9:00 AM - 11:00 AM - Canal Room - Meeting

The room set-up will be exactly as your 2:00 PM meeting on the 1st. Rental will be \$50.

In addition, we have reserved 15 sleeping rooms on March 1 at a rate of \$45, plus 9% tax, per room. You will provide us with a list of names who will occupy the rooms.

We are looking forward to serving as your host and you can be assured we will do everything possible to make these two days a success.

Anytime, anyway, we can be of assistance, please do not hesitate to let us know.

Sincerely,

Barbara Murphy
Director of Sales
& Marketing

BM/tp

Rooming List for Thursday, March 1st
Holiday Inn Holidome
1051 By-Pass 165 at I-20
Monroe, LA 71203

Warren Pol
Jimmy Jenkins
Bert Jones
Don Hines
Joe Palmisano
Norman McCall
Peter Vujnovich

Virginia Van Sickle
Jerry Clark
Kell McInnis (King, Non-smoking)
Bettsie Baker

Hugh Bateman
Bennie Fontenot
Johnnie Tarver
Carla Faulkner
~~Winton Vidrine~~ *Charlie Clark*
Karen Foote
James Manning
Don Puckett

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
MONROE, LOUISIANA
MARCH 1-2, 1990

1. Roll Call
2. Approval of Minutes of February 1, 1990
3. Discuss Opening of Shrimp Season, Three Mile Offshore - Norman McCall/Claude Boudreaux
4. Report on Upper Ouachita River Channelization Project - Bert Jones
5. Notice of Intent, Reef Fish - Rules and Regulations for Take and Possession (Friday Only) - Jerry Clark
6. Recent Trends in Commercial/Recreational Harvest of Fish and Shrimp (Friday Only) - Jerry Clark
7. Update on Disposition Reporting Form - Kell McInnis
8. Monthly Law Enforcement Report - Winton Vidrine
9. Report on Minimum Bid Price on Chartres and Conti Property/New Orleans - Bettsie Baker
10. Set Date for Joint Commission Meeting with Texas Parks and Wildlife Department - Virginia Van Sickle
11. Secretary's Report to the Commission - Virginia Van Sickle
12. Set December Meeting Date

OTHER BUSINESS:

PUBLIC COMMENTS:

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use the emergency procedures to set shrimp seasons and R.S. 56:497 which authorizes the Louisiana Wildlife and Fisheries Commission to set shrimp seasons seaward of the inside-outside shrimp line, the Louisiana Wildlife and Fisheries Commission on March 1, 1990, adopts the following emergency rule:

In accordance with R.S. 56:497 the shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 is hereby opened at 6:00 a.m., Monday, March 12, 1990. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department shall have the authority to open and close special seasons in the inshore waters for the harvest of white shrimp should this harvest be feasible without the destruction of small brown shrimp.

Warren Pol
Chairman

NOTICE OF INTENT
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to open the shrimp season in Louisiana's offshore Territorial waters and give the Secretary the power to open special seasons. Said rule is attached to and made a part of this notice of intent.

Consideration of this rule was announced as part of the agenda of the Commission's open meeting held in Monroe, Louisiana on March 1-2, 1990. Verbal testimony concerning the rule was accepted from all concerned. Additionally, interested persons may submit written comments relative to the proposed Rule to Claude Boudreaux, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Warren Pol
Chairman

CITATION NOTE:	None - Changes annually
AUTHORITY NOTE:	R.S. 56:495, R.S. 56:497
HISTORICAL NOTE:	Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : ().

RULE
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 will open at 6:00 a.m., Monday, March 12, 1990, and remain open until further notice. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department of Wildlife and Fisheries shall have the authority to open and close special seasons in the inshore waters for the harvest of white shrimp should this harvest be feasible without the destruction of small brown shrimp.

Warren Pol
Chairman

CITATION NOTE:	None - Changes annually
AUTHORITY NOTE:	R.S. 56:495, R.S. 56:497
HISTORICAL NOTE:	Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : ().



TEXAS
PARKS AND WILDLIFE DEPARTMENT
4200 Smith School Road Austin, Texas 78744

COMMISSIONERS

CHUCK NASH
Chairman, San Marcos

GEORGE C. "TIM" HIXON
Vice-Chairman
San Antonio

BOB ARMSTRONG
Austin

LEE M. BASS
Ft. Worth

HENRY C. BECK, III
Dallas

DELO H. CASPARY
Rockport

JOHN WILSON KELSEY
Houston

BEATRICE CARR PICKENS
Amarillo

A.R. (TONY) SANCHEZ, JR.
Laredo

February 1, 1990

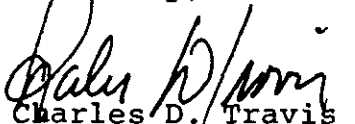
Ms. Virginia Van Sickle, Secretary
Department of Wildlife and Fisheries
P. O. Box 98000
Baton Rouge, Louisiana 70898

Dear Virginia:

I would appreciate your checking your calendar for some convenient dates as we approach the time for our two Commissions to meet in Austin for their ongoing dialogue.

I look forward to hearing from you soon so that we can begin making arrangements.

Sincerely,


Charles D. Travis
Executive Director

CDT:frh

9
cc: Comm.
Also place on
agenda for
March meeting
2-13-90
PC
CHARLES D. TRAVIS
Executive Director

24:18 9 24:18

February 16, 1990

Robert Mizell
RR 1, Box 175 C
Loranger, LA. 70446

Ms. Virginia Vansickle
Louisiana Wildlife and Fisheries
2000 Quail Drive
Baton Rouge, LA. 70808

Dear Ms. Vansickle:

It will be a sad day in the State of Louisiana if you and your administration do away with dog hunting. What a lot of people do not understand is when you eliminate dog hunting this will also stop the beagle owners from running their dogs, the fox and coyote dog owners from running their dogs, as well as the deer dog owners. The youth of this state will truly suffer if dog hunting and running is eliminated. This movement alone shows me that you and your commission do not care about our youth.

I own thirteen deer dogs. My dogs are crossed between Black & Tans, Bluetick, Redtick and about one eighth Walker. I use this type of deer dog for a reason. First I prefer a slower pack of dogs and second I prefer a pack I can handle by myself. I hunt with the Backswamp Hunting Club Inc. located in Washington Parish. We lease about 7200 acres and have another 800 or more which is owned by some of our members. Each year we have a Barbecue and a Fish Fry. We invite all our members, their families, and all our surrounding neighboring land owners. We always have a good turn out and a good time. We have a very good relationship and reputation in our area. We make it a policy not to block roads with vehicles. We never stop in front of a neighbors home unless it is to talk with him. Many times a land owner will drive by and tell us he or she just saw a buck at a certain place. We have the Horseshoe Hunting Club (a dog running club) on one side of us and the Sandridge Hunting Club (a dog running club) on the other side of us. We catch each others dogs and get along great. We do not allow alcohol on our lease. We believe this is the main problem with many hunting clubs. For the record, attached is a copy of our Bylaws, Rules and Regulations.

I do not have anything against a still hunter. I bow hunt, still hunt, and dog hunt for deer. The "die hard" still hunter who is against dog hunting is basically a solitude person who would rather be by himself. Some of them do go to Texas, as was stated at the meeting in Hammond last night, but think of what they are doing. The deer they are killing there are fed daily. The deer walk up just like a herd of cattle. The still hunter picks out the one he wants and shoots it. There is no more sport to that than walking out into a pasture of cows, climbing up in a stand and shooting one. A dog hunter is much different. He is an individual who not only likes to hunt but also likes to socialize with his friends as he hunts.

At our club, we either stay at the camp or arrive at the camp around four o'clock each morning. We fix a good breakfast of deer, beef, or pork sausage, bacon, grits, red-eye gravy, home made biscuits, home made jelly, and eggs. Each hunter there is able to set down and eat a good meal. We hunt as one group. We enjoy the fellowship of talking with each other and hearing the deer hunting stories. There is always someone picking at someone else about something. We enjoy going in the woods, turning a few

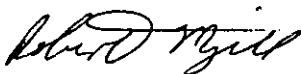
dogs a loose and waiting for them to start trailing. Then you listen to see which dog is doing the best job of trailing as he goes deeper into the woods. As the dogs begin to join in together and begin barking more you can feel the excitement. Many of the standers see deer slipping out. Then the dogs start barking faster and coming towards your side of the woods. The echo across the woods sounds fantastic. You do not know if the deer will bounce out in front of you or to your left or right. It really makes your heart beat fast. Many times it may be a doe, or a fox, or coyote, but for those few minutes it just makes your day all worth while. Then if a buck is killed it is just icing on the cake.

My enjoyment is running my dogs. If I kill a deer once every three or four years I am happy. I do not fish, I do very little squirrel, rabbit, or turkey hunting. I love to run my dogs as much as I can. Very seldom do my dogs run a deer over one hour. Many times the deer will switch in front of the dogs and the dogs wind up running two or three deer before I catch them.

To another subject concerning deer. For the life of me I can not understand why it is legal to feed deer corn or other feed during hunting season. It is against the law to bait doves and turkey but not deer. I guess the feathers make the difference, but I personally do not think it is right.

I truly hope you and your commission will leave us dog hunters alone and add back the dog hunting days you have taken away from us. I guess the next survey will be from Governor Roemer asking a select few whether they like Fords or Mercurys and if the biggest percentage likes Fords we will only be able to buy Fords in the State of Louisiana. This is called communism. Russia is loosing its control and Louisiana is tightening its control. What a shame.

Sincerely,



cc Bert Jones
Jimmy Jenkins
Warren I. Pol
Dale Vinet ✓
Joe Palmaisano, Jr.

BACKSWAMP HUNTING CLUB INCORPORATED
ROUTE 2, BOX 148A
FRANKLINTON, LA. 70438

BYLAWS, RULES, AND REGULATIONS
AS APPROVED BY CLUB MEMBERSHIP OCTOBER 6, 1989

The purpose of the BACKSWAMP HUNTING CLUB INCORPORATED is to provide and improve hunting, fishing, and camping for its members.

OBJECTIVES:

1. To provide a safe hunting, fishing, and camping area for its members.
2. To protect and improve hunting, fishing, and camping within the area.
3. To establish and maintain a good relationship with land owners surrounding and within the leased area.

RULES:

1. The Club's Officers and Board has the right and obligation to accept, refuse, discipline, and expel members. (If a member is expelled he forfeits his dues).
2. No drinking of alcoholic beverages will be permitted on the area maintained by the hunting club until hunting is over and at no time when loaded guns are present.
3. All rules and regulations set by the Louisiana Wildlife and Fisheries will be followed.
4. Each member is responsible for his actions and the safe use of his gun.
5. Children under 16 will not be allowed on the lease without adult supervision during organized deer hunting.
6. All deer and turkey killed will be reported to or checked in with an officer of the club.
7. All deer killed which the dogs are running will be considered a dog deer and

BACKSWAMP HUNTING CLUB INC.
BYLAWS, RULES, AND REGULATIONS
CONTINUED
PAGE 2

shared equally with the hunting group.

8. All hunting of deer with dogs will be done as one organized hunting group.
9. Each member is responsible for the guest he brings. Guests are to ride with club members.
10. No dumping is allowed on the lease.
11. The date to pay dues and the membership fee will be set by membership each year.
12. Membership fee will cover the member, his or her spouse, and their children in school. Anyone else is considered a guest.
13. FOR BIG GAME HUNTING: (Deer and Turkey) All members will receive five (5) free guest passes (1 hunter = 1 guest). No one can buy additional guest passes.

FOR SMALL GAME HUNTING: Members can invite guest with no limit on the number of times a guest can hunt on the lease and no limit on the number of guest a member can invite as long as it is reasonable.
14. No trapping of wildlife will be allowed.
15. Keys to gates and other locks will not be loaned or given to non-members except land owners within the lease. Violators will be expelled from the club.
16. All rules and limitations of the lease(s) will be observed.
17. An executive board will be appointed by the officers to help govern the hunting club. The board's term will run from March 1 until February 28 of the following year.
18. A maximum of sixty five (65) members will be accepted for the 1990-1991

BACKSWAMP HUNTING CLUB INC.
BYLAWS, RULES, AND REGULATIONS
CONTINUED
PAGE 3

hunting season.

19. Paid members will elect a Club President, Vice President, Treasurer, and Secretary at their annual October meeting which is held the first Friday in October. The term of office for these officers will start March 1 of the following year and expire February 28 of the next year.

ALL RULES WILL APPLY EQUALLY TO ALL MEMBERS.

A membership fee of \$325 per member will be charged for the 1990-1991 lease. Membership will be from October 1 to September 30.

All members will receive and sign a copy of the rules and regulations when dues are paid.

OFFICERS FOR THE 1990-1991 LEASE ARE:

President:	Conrad Crowe 1321 West 10th Street Bogalusa, LA. 70427	"Chainsaw" 732-9885
Vice-President:	Lionel Jones Rt. 2, Box 260A Bogalusa, LA. 70427	"Thirteen" 735-9685
Treasurer:	Johnny Thigpen Rt. 2, Box 148A Franklinton, LA. 70438	"Red Neck" 848-5451
Secretary:	Robert Mizell Rt. 1, Box 175C Loranger, LA. 70446	"Silver Dollar" 878-6575

BOARD MEMBERS FOR THE 1989-1990 LEASE ARE:

Ralph Ard Rt. 2, Box 124 Franklinton, LA. 70438	"Thirty" 848-5330
---	-------------------

BACKSWAMP HUNTING CLUB, INC.
BYLAWS, RULES, AND REGULATIONS
REVISED OCTOBER 6, 1989
PAGE 4 - CONTINUED

BOARD MEMBERS FOR THE 1989-1990 LEASE CONTINUED:

Kenny Ard	"Twenty"	848-5917
Rt.2, Box 123		
Franklinton, LA. 70438		

Aulton Carter	"Seven"	735-7585
Rt. 2, Box 267		
Bogalusa, LA. 70427		

Kyle Jones	"Tailgate"	732-9730
Rt. 1, Box 339		
Bogalusa, LA 70427		

Wendall Helton	"Zero"	735-0938
Rt. 1, Box 368C		
Bogalusa, LA. 70427		



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

February 21, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: Virginia Van Sickle *VVS*
RE: March Board Meeting

The next regular public board meeting as set by the Commission will be at 2:00 PM on Thursday, March 1st, 1990, at the Holiday Inn Holidome, Monroe, Louisiana. At 7:00 P.M. the Public Hearing for Hunting Seasons will be held in Monroe at the Holiday Inn Holidome in the New Orleans Room.

On Friday, March 2nd, 1990, the regular Commission meeting will be continued at the same location at 9:00 AM in the Canal Room.

The following will be on the agenda:

1. Approval of Minutes of February 1, 1990

Norman McCall

2. Discuss Opening of Shrimp Season, Three Mile Offshore

Bert Jones

3. Report on Upper Ouachita River Channelization Project

Jerry Clark

4. Notice of Intent, Reef Fish - Rules and Regulations for Take and Possession
5. Recent Trends in Commercial/Recreational Harvest of Fish and Shrimp

February 21, 1990
Page 2

Kell McInnis

- 6 Update on Disposition Reporting Form

Winton Vidrine

7. Monthly Law Enforcement Report

Bettsie Baker

8. Report on Minimum Bid Price on Chartres and Conti Property/New Orleans

Virginia Van Sickle

- 9 Set Date for Joint Commission Meeting with Texas Parks and Wildlife Department
10. Secretary's Report to the Commission
11. Set December Meeting Date

OTHER BUSINESS:

PUBLIC COMMENT:

VVS:sb

C: Don Puckett
Kell McInnis
Bettsie Baker
Jerry Clark
John Medica
Division Chiefs

AGENDA FOR COMMISSION MEETING

On Thursday, March 1st, the Louisiana Wildlife and Fisheries Commission will hold its regular monthly meeting at the Holiday Inn Holidome, Monroe, LA at 2:00 P.M. At 7:00 P.M. the Commission will hold its third of three public hearings on the 1990-91 hunting seasons at the same location in the New Orleans Room.

On Friday, March 2nd, 1990 the Commission meeting will be continued at the at the Holiday Inn Holidome, Monroe, Canal Room 9:00 A.M.

The following items will be on the agenda:

1. Roll Call
2. Approval of Minutes of February 1, 1990
3. Discuss Opening of Shrimp Season, Three Mile Offshore
4. Report on Upper Ouachita River Channelization Project
5. Notice of Intent, Reef Fish -Rules and regulations for Take and Possession (Friday)
6. Recent Trends in Commercial/Recreational Harvest of Fish and Shrimp (Friday)
7. Update on Disposition Reporting Form
8. Monthly Law Enforcement Report
9. Reprot on Minimum Bid Price on Chartres and Conti Property/New Orleans
10. Set Date for Joint Commission Meeting with Texas Parks and Wildlife Department
11. Secretary's Report to the Commission
12. Set December Meeting Date

OTHER BUSINESS:

PUBLIC COMMENT:

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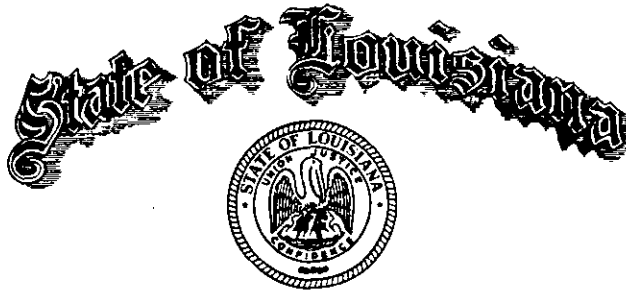
On Friday, March 2nd, 1990 the Commission meeting will be continued at the at the Holiday Inn Holidome, Monroe, Canal Room 9:00 A.M.

The following items will be on the agenda:

1. Roll Call
2. Approval of Minutes of February 1, 1990
3. Discuss Opening of Shrimp Season, Three Mile Offshore
4. Report on Upper Ouachita River Channelization Project
5. Notice of Intent, Reef Fish -Rules and regulations for Take and Possession (Friday)
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7. Update on Disposition Reporting Form
8. Monthly Law Enforcement Report
9. Reprot on Minimum Bid Price on Chartres and Conti Property/New Orleans
10. Set Date for Joint Commission Meeting with Texas Parks and Wildlife Department
11. Secretary's Report to the Commission
12. Set December Meeting Date

OTHER BUSINESS:

PUBLIC COMMENT:



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

February 19, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: Virginia Van Sickle *VJS*
RE: March Board Meeting

The next regular public board meeting as set by the Commission will be at 2:00 PM on Thursday, March 1st, 1990, at the Holiday Inn Holidome, Monroe, Louisiana. At 7:00 P.M. the Public Hearing for Hunting Seasons will be held in Monroe at the Holiday Inn Holidome in the New Orleans Room.

On Friday, March 2nd, 1990, the regular Commission meeting will be continued at the same location at 9:00 AM in the Canal Room.

The following will be on the agenda:

1. Approval of Minutes of February 1, 1990

Norman McCall

2. Discuss Opening of Shrimp Seas

Bert Jones

3. Report on Upper Ouachita River

Jerry Clark *fish on*

4. Notice of Intent, Reef Fish

Point Consideration of opening of Shrimp Territorial Sea and Setting of

- Rules and Regulations for take and possession

6. Recent trends in Commercial/Recreational harvest of fish and shrimp *Friday only*

Kell McInnis

7. Update on Disposition Reporting Form

Winton Vidrine

8. Monthly Law Enforcement Report

Bettsie Baker

9. Report on Minimum Bid Price on Chartres and Conti Property/New Orleans

Virginia Van Sickle

10. Set Date for Joint Commission Meeting with Texas Parks and Wildlife Department
11. Secretary's Report to the Commission
12. Set December Meeting Date

OTHER BUSINESS:

PUBLIC COMMENT

VVS:sb

C: Don Puckett
Kell McInnis
Bettsie Baker
Jerry Clark
John Medica
Division Chiefs



Agenda —

Recent trends in Comm/Sec.
harvest of fish + shrimp

Dr. Clark.

Paula-

Bessie want to add this
to agenda

Paula-

Consider 2nd page.

I

February 21, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: Virginia Van Sickle
RE: March Board Meeting

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On Friday, March 2nd, 1990, the regular Commission meeting will be continued at the same location at 9:00 AM in the Canal Room.

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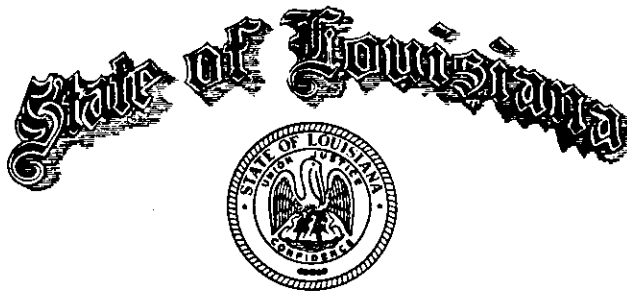
OTHER BUSINESS:

PUBLIC COMMENT:

VVS:sb

C: Don Puckett
Kell McInnis
Bettsie Baker
Jerry Clark
John Medica
Division Chiefs

AGENDA



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
BATON ROUGE, LA. 70898
PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

February 5, 1990

M E M O R A N D U M

TO: Deputy Secretary, Assistant Secretary Office of
Fisheries, Undersecretary and Office of Wildlife Chiefs

FROM: Virginia Van Sickle *VVS*

RE: Commission Meeting Agenda - March 1-2, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Friday, February 16th, any agenda items your Office may have for the meeting Monroe, LA at the Holiday Inn Thursday and Friday, March 1-2 1990. If you do not have anything for the agenda, please return memo and indicate this on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

February 5, 1990

M E M O R A N D U M

TO: Deputy Secretary, Assistant Secretary Office of
Fisheries, Undersecretary and Office of Wildlife Chiefs

FROM: Virginia Van Sickle

RE: Commission Meeting Agenda - March 1-2, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Friday, February 16th, any agenda items your Office may have for the meeting Monroe, LA at the Holiday Inn Thursday and Friday, March 1-2 1990. If you do not have anything for the agenda, please return memo and indicate this on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

Management Recommendation
Opening of 1990 Shrimp Season in the Territorial Sea

Recommendation:

The season in that portion of the Territorial Sea which is closed to fishing should be opened on March 12, 1990 and remain opened until further notice.

Rationale:

No standard has been established by the Commission for setting seasons in the Territorial Sea. In the absence of such standard, and since the Territorial Sea has always remained opened to shrimping until recent years, the philosophy has been adopted that the shrimping season in the Territorial Sea should be open unless some reason can be found to close it. Several reasons can be put forward for closing the season:

- 1) if the recent freeze just before Christmas had adversely impacted the shrimp populations to the extent that the remaining shrimp should be protected then the season should remain closed.

Response: the freeze is not believed to have had significant impact on the shrimp populations, although reports were received of some commercial trawlers catching dead shrimp in the shallow offshore waters.

Both brown shrimp and white shrimp populations had moved to the offshore waters of the Gulf. Scientific data collected right after the freeze indicated that the bottom water temperature at the 30' depth was not affected. White shrimp are found in depths to 100' in the offshore waters; brown shrimp are found in significantly deeper waters.

- 2) if the shrimp which are now offshore are the parents of the next generation, and fishing will adversely impact the size of next year's shrimp crop then the season should remain closed.

Response: No stock-recruitment relationship has been found for brown shrimp. Analysis by NMFS scientists indicate that under historical management practices (i.e., the Territorial Sea always open) annual recruitment of brown shrimp to the fishery has increased. The federal scientists state tentatively that "an apparent stock-recruitment relationship was observed" for white shrimp but they admit "that factors other than fishing could be creation the relationship." They have found that under historical management practices recruitment to the white shrimp fishery has increased in Louisiana in recent years.

- 3) if it is to the economic benefit of the commercial

fishery to catch the shrimp later at a larger size then maybe the Territorial Sea should be kept closed.

Response: There is growth overfishing on both brown and white shrimp, i.e. the total poundage caught could be increased if the smaller sizes were not harvested. However, the economic circumstances found in the shrimp fishery are such that it is unclear if those larger shrimp would be of greater value to the industry. Nearly 75% of shrimp consumed in the U.S. come from imports; each year a larger proportion of these imports come from mariculture operations which can provide shrimp of almost any size on a near year-round basis. We are not capable at this time of determining the economic gain to the industry of keeping the Territorial Sea closed.

- 4) if the shrimp caught would be wasted then the season should remain closed.

Response: This is the one criteria on which we can provide information. We have usually held to a conservation standard which does not allow the harvest of the resource when a significant percentage will be wasted. We have taken recent samples in the Territorial Sea. These samples indicate that the shrimp are 100 count are larger; the historical market can make use of these shrimp.

Jerry - save this ³ for
Sharyn's use.
Karen

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use the emergency procedures to set shrimp seasons and R.S. 56:497 which authorizes the Louisiana Wildlife and Fisheries Commission to set shrimp seasons seaward of the inside-outside shrimp line, the Louisiana Wildlife and Fisheries Commission on March 1, 1990, adopts the following emergency rule:

In accordance with R.S. 56:497 the shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 is hereby opened at 6:00 a.m., Monday, March 12, 1990. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department shall have the authority to open and close special seasons in the inshore waters for the harvest of white shrimp should this harvest be feasible without the destruction of small brown shrimp.

Warren Pol
Chairman

NOTICE OF INTENT
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to open the shrimp season in Louisiana's offshore Territorial waters and give the Secretary the power to open special seasons. Said rule is attached to and made a part of this notice of intent.

Consideration of this rule was announced as part of the agenda of the Commission's open meeting held in Monroe, Louisiana on March 1-2, 1990. Verbal testimony concerning the rule was accepted from all concerned. Additionally, interested persons may submit written comments relative to the proposed Rule to Claude Boudreaux, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Warren Pol
Chairman

CITATION NOTE:	None - Changes annually
AUTHORITY NOTE:	R.S. 56:495, R.S. 56:497
HISTORICAL NOTE:	Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : ().

RULE
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

The shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 will open at 6:00 a.m., Monday, March 12, 1990, and remain open until further notice. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department of Wildlife and Fisheries shall have the authority to open and close special seasons in the inshore waters for the harvest of white shrimp should this harvest be feasible without the destruction of small brown shrimp.

Warren Pol
Chairman

CITATION NOTE:	None - Changes annually
AUTHORITY NOTE:	R.S. 56:495, R.S. 56:497
HISTORICAL NOTE:	Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : ().

RESOLUTION

BAG LIMITS AND SIZE LIMITS FOR REEF FISH

WHEREAS, reef fish are managed under the federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, and

WHEREAS, recent stock assessments by the National Marine Fisheries Service have indicated that the reef fish resource in the Gulf of Mexico are in need of additional protection, and

WHEREAS, this fishery management plan establishes bag limits and size limits for reef fish taken in the federal waters of the Gulf of Mexico, and

WHEREAS, the Gulf of Mexico Fishery Management Councils have requested that the Gulf States adopt reef fish regulations compatible with those contained in the federal fishery management plan, and

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that pursuant to the authority granted by Section 326.1 and 326.3 of Title 56 of the Louisiana Revised Statutes, the Louisiana Wildlife and Fisheries Commission expresses its intent to establish bag limits and size limits for reef fish consistent with those scheduled to be implemented under the Federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

BE IT FURTHER RESOLVED, that the complete contents of the proposed rule establishing bag limits and size limits for reef fish is attached to and made a part of this resolution.

Chairman

Secretary

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations on snapper, grouper, sea basses and amberjack in Louisiana's territorial waters. The measures are to be consistent with federal regulations which are designed to restore declining stocks of these species.

The proposed measures include minimum size limits and recreational bag limits as follows:

<u>Species</u>	<u>Recreational Bag Limits</u>
Red snapper	7 fish per person per day
Queen, mutton, schoolmaster, blackfin, cubera, gray dog, mahogany, silk, yellowtail, wenchman, and voraz snappers	10 fish per person per day (in aggregate)
All groupers	5 fish per person per day (in aggregate)
Greater amberjack	3 fish per person per day

All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit.

A person subject to a bag limit may not possess during a single day, regardless of the number of trips or the duration of a trip, any reef fish in excess of the bag limits.

For charterboats and headboats there will be an allowance for up to two daily bag limits on multi-day trips provided the vessel has two licensed operators aboard as required by the U.S. Coast Guard for trips of over 12 hours, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

<u>Species</u>	<u>Minimum Size Limits</u>
Red snapper	13 inches total length
Gray, mutton and yellowtail snapper	12 inches total length
Lane and vermillion snapper	8 inches total length
Red, gag, black, yellowfin and nassau grouper	20 inches total length
Jewfish	50 inches total length
Greater amberjack	28 inches fork length (recreational) 36 inches fork length (commercial)
Black seabass	8 inches total length

Authority for adoption of this rule is contained in Sections 326.1 and 326.3 of Title 56 of the Louisiana Revised Statutes.

Interested persons may submit comments relative to the proposed rule to: John E. Roussel, Marine Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.1 and 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: ().

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Title 76
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 326. Daily Take, Possession and Size Limits Set by Commission

The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of snapper, grouper, sea basses, jewfish, and amberjack in Louisiana's territorial waters:

<u>Species</u>	<u>Recreational Bag Limits</u>
Red snapper	7 fish per person per day
Queen, mutton, schoolmaster, blackfin, cubera, gray dog, mahogany, silk, yellowtail, wenchman, and voraz snappers	10 fish per person per day (in aggregate)
All groupers	5 fish per person per day (in aggregate)
Greater amberjack	3 fish per person per day

All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit.

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Jewfish	50 inches total length
Greater amberjack	28 inches fork length (recreational) 36 inches fork length (commercial)
Black seabass	8 inches total length

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.1 and 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: ().

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: John E. Roussel Dept: Wildlife and Fisheries
Phone: (504) 765-2383 Office: Fisheries
Return
Address: Dept. of Wildlife & Fisheries Rule Bag Limits and Size Limits
P.O. Box 98000 Title: for Reef Fish
Baton Rouge, LA 70898 Date Rule
Takes Effect: _____

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

There will be no state or local governmental implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR
NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule establishes bag limits and minimum size limits for reef fish consistent with federal regulations.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The proposed rule creates consistency with federal regulations for reef fish. The proposed limits are scheduled to be implemented in the federal waters off Louisiana (3-200 miles offshore) in February, 1990.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?
- (a) _____ Yes. If yes, attach documentation.
(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 88-89	FY 89-90	FY 90-91
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES			
EQUIPMENT			
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR.			
POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no costs or savings and no increase or reduction in workload or paperwork (other than these forms) as a result of implementation of this rule.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 88-89	FY 89-90	FY 90-91
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no impact on local governmental units as a result of the proposed action.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No local governmental funding sources will be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 88-89	FY 89-90	FY 90-91
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no change in revenues as a result of the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Recreational and commercial fishermen will be directly affected by the proposed action, however there will be no effect on costs, no workload adjustments and no additional paperwork.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There will be no impacts on receipts and/or income as a result of the proposed rule. Less than one-half of one percent of the reef fish catch is taken from state waters.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed action will have no effect on competition and employment in the public and private sectors.

Louisiana Wildlife & Fisheries Commission
2 March 90

Whereas the Ouachita River is an important regional state, and national resource, both for fish and wildlife and public recreational purposes; and

Whereas it is the belief of this Commission that the highest and best use of the River and the lands and waters contained within the Ouachita-Black Navigation project is for fish and wildlife and public recreation.

Therefore Be It Resolved that the Louisiana Wildlife and Fisheries Commission hereby recommends and supports the management of the Ouachita - Black Navigation Project, and the lands and waters included therein, primarily for the purposes of fish and wildlife conservation and management, and public recreation.

BE IT FURTHER RESOLVED that the Louisiana Wildlife and Fisheries Commission supports and recommends that the management of the Ouachita - Black Navigation Project, and the lands and

(2)

waters included therein, be a cooperative effort of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Louisiana Dept. of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission and the Arkansas Fish and Game Commission.

ENFORCEMENT CASE REPORT

MARCH 1990

ENFORCEMENT CASE REPORT-MARCH 1990

REGION 1

TOTAL CASES-196

ENFORCEMENT-190

OTHER - 6

65-Boating

68-Angling W/O A License

52-Fish Without Resident Pole License

2-Take Game Fish Illegally

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
(Resident Or Non-Resident)

3-Transport W/O Required License (Resident Or Non-Resident)

2-Netting In Closed Area (Dept. Regs.)

1-Possession Of Untagged Oysters

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours (Except Deer,
Bear, Turkey)

1-Not Abiding By Rules And Regulations On WMA

CONFISCATIONS:

1 shotgun, 1 flashlight, 38 game fish, 2 catfish, 31 sacks of oysters.

REGION 2

TOTAL CASES-133

ENFORCEMENT-133

OTHER - 0

31-Boating

26-Angling W/O A License

48-Fish Without Resident Pole License

1-Take Commercial Fish W/O Commercial Gear License

Page (2)

REGION 2 CONT'D.

3-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

2-Transport W/O Required License

(Resident Or Non-Resident)

1-Netting In Closed Area (Dept. Regs.)

1-Buying Or Selling For Resale Untagged Oysters

1-Possession Of Untagged Oysters

1-Not Abiding By Rules & Regulations On WMA

5-Illegal Possession Of Drugs Or Marijuana

4-DWI

9-Other Than Wildlife And Fisheries

CONFISCATIONS:

2 resident fishing licenses, 6 seafood receipts, 1 sample-schedule 4 narcotic, drug paraphanelia, small quantity marijuana, 3 drivers license, 2 paddlefish, 1 Yamaha motorcycle.

REGION 3

TOTAL CASES-223

ENFORCEMENT-220

OTHER - 3

83-Boating

87-Angling W/O A License

21-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

3-Take Game Fish Illegally

1-Take Undersize Black Bass

2-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

Page (3)

REGION 3 CONT'D.

3-Take Commercial Fish W/O Commercial Gear License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

1-Netting In Closed Area

1-Use Lead Nets In Other Than Overflow Regions

1-Take Or Possess Undersize Commercial Fish

3-Blocking Passage Of Fish

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

1-Hunt Or Discharge Firearm From Public Road Or Highway Right-Of-Way

3-Hunt W/O Resident Big Game License

7-Not Abiding By Rules And Regulations On WMA

1-Resisting Arrest

2-Criminal Trespass

CONFISCATIONS:

NONE

REGION 4

TOTAL CASES-87

ENFORCEMENT-79

OTHER - 8

33-Boating

1-Allow Another To Use Recreational License

24-Angling W/O A License

16-Fish Without Resident Pole License

2-Use Gear W/O Recreational Gear License

1-Take Game Fish Illegally

Page (4)

REGION 4 CONT'D.

3-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

2-Take Commercial Fish W/O Commercial Gear License

3-Littering

2-Other Than Wildlife And Fisheries

CONFISCATIONS:

18 undersize catfish, 60 yards of 2 inch gill net, 26 sets hoop nets with lead.

REGION 5

TOTAL CASES-320

ENFORCEMENT-295

OTHER - 25

112-Boating

93-Angling W/O A License

4-Angling W/O Saltwater License

6-Take Game Fish Illegally

2-Take Undersize Black Bass

3-Fail To Have Commercial License In Possession

5-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

4-Take Commercial Fish W/O Commercial Gear License

8-Take Or Possess Commercial Fish Without A Vessel License

21-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

2-Transport W/O Required License

(Resident Or Non-Resident)

1-Use Illegal Mesh Nets

1-Leave Nets Unattended

1-Take Or Possess Undersize Commercial Fish

Page (5)

REGION 5 CONT'D.

- 4-Trawl At Night (Cameron Parish)
- 5-Take Undersize Oysters From Natural Reef
- 1-Failure To Fill Out Oyster Tags Correctly
- 4-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 2-Possess Firearm While Frogging
- 5-Hunt Rabbits Closed Season
- 6-Possess Rabbits Closed Season
- 9-Taking Or Possessing Alligators Closed Season
- 2-Possessing F.B.A. W/O License
- 6-Possess Untagged MGB
- 7-Taking Or Possession Of Other Non-Game Birds-No Season
- 2-DWI
- 3-Littering
- 1-Other Than Wildlife And Fisheries

CONFISCATIONS:

22 ducks, 13 geese, 1 robin, 4 owls, 1 woodpecker, 3 mink, 3 bobcat, 6 rabbits,
4 alligators, 1 deer, 1 bass.

REGION 6

TOTAL CASES-230

ENFORCEMENT-230

OTHER - 0

- 89-Boating
- 77-Angling W/O A License
- 23-Fish Without Resident Pole License

Page (6)

REGION 6 CONT'D.

1-Use Gear W/O Recreational Gear License

1-Take Game Fish Illegally

4-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

2-Take Commercial Fish W/O Commercial Gear License

5-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

5-Transport W/O Required License

2-Possession Of Red Drum And Spotted Sea Trout (Illegally)

1-Leave Nets Unattended

1-Blocking Passage Of Fish

4-Taking Oysters From Unapproved Area

4-Harvest Oysters Without Oyster Harvester License

1-Possession Wild Birds Or Wild Quadrupeds W/O A Permit

3-Possess Firearm While Frogging

1-Take Squirrel Illegal Methods

1-Possession Squirrels Closed Season

1-Resisting Arrest

3-Littering

1-Unmarked Gill Net

CONFISCATIONS:

31 fish, 2 rabbits, 3 firearms, 13 lbs. shad, 1 boat, 1 hoop net, 1 gill net.

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REGION 7

TOTAL CASES-222

ENFORCEMENT-213

OTHER - 9

30-Boating

110-Angling W/O A License

34-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

1-Angling W/O Saltwater License

2-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

3-Sell And/Or Purchase Game Fish

4-Hunting W/O Resident License

6-Hunting W/Unplugged Gun Or Silencer

3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

1-Hunt Or Take Deer Or Bear C/S

1-Poss. Of Illegally Taken Deer Or Bear (O/S Or C/S)

4-Hunt Turkey W/O Res. Big Game License

1-Take Illegal Turkey (Dept. Reg.)

2-Hunt Turkey Closed Season

5-Hunt Turkey Over Baited Area

1-Take Over Limit Of Turkey

4-Not Abiding By Rules And Regulations On WMA

4-Criminal Trespass

3-Littering

2-Other Than Wildlife And Fisheries

Page (8)

REGION 7 CONT'D.

CONFISCATIONS:

4 shotguns, 1 corn feeder, 1 turkey call, 3 shells, 1 doe deer, 1 tom turkey, 1
bream, 11 sac-a-lait, 5 striped bass.

REGION 8

TOTAL CASES-326

ENFORCEMENT-267

OTHER - 59

43-Boating

28-Angling W/O A License

2-Fish Without Resident Pole License

4-Use Gear W/O Recreational Gear License

2-Angling W/O Saltwater License

3-Take Game Fish Illegally

2-Take Or Possess Undersized Red Drum

(Recreational)

1-Take Or Possess Undersized Black Drum

(Recreational)

8-Fail To Have Commercial License In Possession

19-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

17-Illegal Shipping Of Commercial Fish Shipping Regs. Tags & Identification

20-Take Or Possess Commercial Fish Without A Vessel License

22-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

2-Transport W/O Required License

6-Use Illegal Mesh Nets

REGION 8 CONT'D.

- 5-Leave Nets Unattended
- 2-Sell And/Or Purchase Game Fish
- 4-Blocking Passage Of Fish
- 2-Destroy Legal Crab Traps Or Removing Contents
- 1-Allow Another To Use Commercial License
- 1-Permit Unlicensed Person To Operate Commercial Vessel
- 1-Permit Unlicensed Person To Use Commercial Gear
- 9-Failure To Mark/Tag Nets
- 8-Possess Or Sell Undersized Crabs
- 12-Trawling In Closed Season
- 5-Failure To Have Written Permission
- 9-Unlawfully Take Oysters From State Water Bottoms
- 20-Taking Oysters From Unapproved Area
(Polluted)
- 3-Unlawfully Take Oysters Off A Private Lease
- 1-Take Undersize Oysters From Natural Reef
- 1-Use Undersized Dredge Without Permit
- 9-Failure To Display Proper Number On Vessel
- 1-Possession Of Untagged Oysters
- 27-Harvest Oysters Without Oyster Harvester License
- 11-Fail To Cull Oysters In Proper Location
- 1-Hunt Squirrel C/S

REGION 8 CONT'D.

1-Taking Alligators W/O License

1-Taking Or Possessing Alligators Closed Season

1-Illegal Possession Of Alligators, Eggs Or Their Skins

2-Possession Of Live Alligators

2-Dealing In Alligator Parts W/O Proper License

1-Taking Or Possession Of Other Non-Game Birds-No Season

2-Resisting Arrest

3-Littering

1-Not Abiding By Rules And Regulations On WMA

CONFISCATIONS:

9 redfish, 13 black drum, 515 plus 831 lbs. catfish, 1 flounder, 117 speckled trout, 6 lbs. mullet, 10,754 lbs. shrimp, 57 boxes of crabs, 346 alligator heads, 5 alligator feet, 12 lbs. alligator meat, 9 live alligators, 15 frogs, 3 sacks of crawfish, 300lbs. of crawfish, 1 sea bass, 56 sheephead, 1 inch gill net-200 foot long, 1 inch gill net 250 foot long, 1 inch gill net-2100 foot long. 4-25 foot trawl=100 feet, 3-40 foot trawl=120 feet, 117 sacks of oysters, 9 oyster dredges, 47 gallon oysters, 9 bushels of oysters, 25 lbs. turtle meat, 82 lbs. red snapper, 7 boats, 3 motors, 4 lbs. tuna, 5 lbs. white trout, 472 lbs. crab meat, 610 blue crabs, 9 lbs. king crabs.

Note: Covert confiscated 3 pickup trucks and 3,500 lbs. of redfish.

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REGION 9

TOTAL CASES-367

ENFORCEMENT-359

OTHER - 8

60-Boating

107-Angling W/O A License

7-Angling W/O Saltwater License

1-Possession Overlimit Of Red Drum

1-Possession Overlimit Of Red Drum In Excess Of 27 inches

(Recreational)

1-Take Or Possess Undersized Red Drum

(Recreational)

17-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

41-Take Commercial Fish W/O Commercial Gear License

13-Take Or Possess Commercial Fish Without A Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

(Resident Or Non-Resident)

2-Leave Nets Unattended

23-Take Or Possess Undersize Commercial Fish

3-Allow Another To Use Commercial License

3-Failure To Mark/Tag Nets

1-Trawling In Closed Season

14-Failure To Have Written Permission

8-Unlawfully Take Oysters From State Water Bottoms

34-Taking Oysters From Unapproved Area

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REGION 9 CONT'D.

5-Unlawfully Take Oysters Off A Private Lease

2-Use Undersized Dredge Without Permit

1-Take Oysters Illegal Hours

1-Failure To Display Proper Number On Vessel

4-Fail To Cull Oysters In Proper Location

1-Hunting W/Unplugged Gun Or Silencer

1-Hunt Squirrel C/S

1-Hunt Raccoons Or Opossums Illegally

1-Hunting Doves Closed Season

3-Resisting Arrest

2-Littering

4-Other Than Wildlife And Fisheries

1-Possession Of Firearm Of Convicted Felon

CONFISCATIONS:

36 1/2 crates of crabs, 44 1/2 sacks of oysters, 1 hoop net, 71 catfish, 1 shotgun, 3 gill nets, 1 raccoon, 21 redfish, 2 squirrels, 5 oyster dredges, 15 black drum, 1 shark, 1-100 quart ice chest, 1 dove, 2 licenses, 11 boats and motors, 100 gallons of oysters.

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S.W.E.P.

TOTAL RUNNING HOURS-264

TOTAL BOATS CHECKED- 61

TOTAL CITATIONS - 33

11-Trawling In Closed Season

9-Unattended Nets

3-No Vessel License

3-No Commercial License

4-No Running Lights

3-Improper Lighting

Search And Rescue Hours-16

Net Disposal Hours -16

CONFISCATIONS:

2,300 feet of gill net, 13 trawls, 1,512 lbs. shrimp.

OYSTER STRIKE FORCE

BEGINNING DATE-3/23/90

TOTAL CASES-54

11-Boating

1-Fail To Have Commercial License In Possession

1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

1-Take Commercial Fish W/O Commercial Gear License

5-Take Or Possess Commercial Fish Without A Vessel License

2-Take/Possess Oysters Without Oyster Harvester License

1-Use Undersized Dredge Without Permit

2-Failure To Have Written Permission

3-Unlawfully Take Oysters From State Water Bottoms

4-Taking Oysters From Unapproved Area

(Polluted)

14-Take Undersize Oysters From Natural Reef

2-Failure To Display Proper Number On Vessel

2-Failure To Fill Out Oyster Tags Correctly

1-Failure To Tag Sacked Or Containerized Oysters

4-Harvest Oysters Without Oyster Harvester License

CONFISCATIONS:

75 sacks of oysters, 71 sacks of oysters dumped, 2-40 H.P. outboards, 2-16 foot flats.

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<u>TOTAL CASES ENFORCEMENT</u>	<u>- 2104</u>
<u>TOTAL CASES OTHER DIVISIONS</u>	<u>- 118</u>
<u>TOTAL CASES S.W.E.P.</u>	<u>- 33</u>
<u>TOTAL CASES OYSTER STRIKE FORCE-</u>	<u>54</u>
<u>GRAND TOTAL</u>	<u>- 2309</u>

Draft

MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MARCH 1-2, 1990

Acting

~~Vice~~ Chairman Jimmy Jenkins presiding:

Thursday, March 1, 1990

Don Hines

Bert Jones

Norman McCall

Pete Vujnovich

Secretary Van Sickle was also present.

Friday, March 2, 1990

Don Hines

Bert Jones

Norman McCall

Pete Vujnovich

Secretary Van Sickle was also present

At Thursday's meeting a motion was made to accept the minutes of the February 1, 1990 Commission meeting held in Lake Charles, LA by Mr. Jones. The motion was seconded by Mr. Vujnovich and passed unanimously.

At Thursday's meeting discussion was held on the opening of ^{the offshore} shrimp season, ~~three miles offshore~~. Mr. Claude Boudreaux stated that the Commissioners have in their packet a declaration of emergency, proposed notice of intent and proposed rule on the opening of ^{the offshore} shrimp season, ~~three miles offshore~~. The department recommends that the season in the part of the territorial sea which is closed to fishing should open on March 12, 1990 and remain open until further notice. Mr. Boudreaux also pointed out that in each of the Commissioner's packet there was material entitled "Management Recommendation Opening of 1990 Shrimp Season in the Territorial Sea". This recommendation is being made because there has not been any real reason found to keep it closed. Several factors were considered which might have caused the department to recommend the season remain closed. One factor that was considered was if the recent freeze had adversely affected ~~the shrimp~~ populations then the season should be closed, but in the opinion of the department the recent freeze did not adversely affect the shrimp population. At Christmas the brown shrimp were offshore in a hundred ~~or~~ feet of water or deeper and the white shrimp were offshore from the coast line out to a hundred feet. Information was received that some shrimpers in the shallow waters were catching dead or dying shrimp but the department believed that most of the shrimp were in deeper waters and sampling in thirty feet of water lead the department to indicate that even though the surface water in the marshes got very cold, the deeper waters (thirty feet and out) the temperature never got below sixteen-seventeen degrees centigrade

which is fine as far as shrimp is concerned. The department also considered that the season should be kept closed if fishing of the shrimp which are now offshore would adversely affect the next generation of shrimp. The department has found no stock recruitment relationship for brown shrimp but there is some indication that there might be a stock recruitment relationship for white shrimp which is not very well defined. Under ~~historical~~ ^{have} management practices which ~~has~~ included an open territorial sea the shrimp populations have not been adversely affected and the next generation of shrimp are more affected by the conditions they will reach in the marsh than by the actual number of parent shrimp in the offshore waters stated Mr. Boudreaux.

The one economic reason what was considered if the territorial waters were to be kept closed would be if it was known that the shrimp not caught now would be caught later at a greater size and would be of more economic benefit to the fishery. The shrimp industry is changing and it is a very complex situation. Nearly seventy-five percent of the shrimp consumed in the United States come from imports and each year a larger proportion of these imports come from maricultural operations which can provide shrimp of almost any size on a year around basis. Under these conditions the department cannot say that it is more profitable for the industry to wait and harvest the shrimp later then to harvest them now.

If that was the case,

The final consideration and the most significant and important reason for not opening the season would be if the shrimp caught now would be wasted, then the season should be kept closed. The samples that have been taken by the department in the offshore waters in the last couple of weeks indicate that all of the shrimp are a hundred count or larger and in many cases the shrimpers are catching thirty, forty, fifty and sixty shrimp. The department believes that if the territorial sea is opened now the shrimp that are caught will not be wasted and can be in fact be useful to the industry. Since the department cannot find any adequate reason to keep the shrimp closed it is being recommended that the Commission open the season on March 12, 1990 concluded Mr. Boudreaux.

Acting ^{Sealins} Vice Chairman called for questions. Mr. McCall asked what were the last dates of the sampling taken. Mr. Boudreaux answered sampling was done off of Grand Isle on Wednesday, February 28; sampled off of Calcasieu on Monday, February 26; and sampled off of Terrebonne Timbalieu Wednesday, February 28, and are finding shrimp from the coast to three miles out. ^{They were all} ~~in the department's sampling,~~ well above a hundred count. Mr. Jones asked what would happen if the state got a big northern that would blow out a lot of small shrimp from the marsh and would it be a possibility that the latter crop of shrimp would be destroyed if the season is opened. Mr. Boudreaux explained that there are no shrimp in the marsh now and the post larval shrimp are coming in now and they are very, very small and stay in marsh until June or July.

Mr. Boudreaux pointed out that the declaration of emergency gives the Secretary the power to open any special shrimp seasons and if the Commission does go with the second paragraph they might want to delete the word white in the third to last sentence because it was noted that at time there have been special seasons in Chandeleur Sound for pink shrimp. The Commission concurred to delete the word "white".

Mr. McCall made a motion to adopt the declaration of emergency and notice of intent on opening the shrimp season on March 12, 1990 and was seconded by Mr. Jones. The motion passed unanimously

(The full text of the emergency
declaration is made a part of the
record)

In accordance with emergency provisions of R.S. 49:953(b), the Administrative Procedure Act, R.S. 49:967, which allows the Wildlife and Fisheries Commission to use the emergency procedures to set shrimp seasons and R.S. 56:497 which authorizes the Louisiana Wildlife and Fisheries Commission to set shrimp seasons seaward of the inside-outside shrimp line, the Louisiana Wildlife and Fisheries Commission on March 1, 1990, adopts the following rule:

In accordance with R.S. 56:497 the shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 is hereby opened at 6:00 a.m., Monday, March 12, 1990. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department shall have the authority to open and close special seasons in the inshore waters for the harvest of shrimp should this harvest be feasible without the destruction of small brown shrimp.

(The full text of the notice of
intent is made a part of the record)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to open the shrimp season in Louisiana's offshore Territorial waters and give the Secretary the power to open special seasons. Said rule is attached to and made a part of this notice of intent.

Consideration of this rule was announced as part of the agenda of the Commission's open meeting held in Monroe, Louisiana, on March 1-2, 1990. Verbal testimony concerning the rule was

accepted from all concerned. Additionally, interested persons may submit written comments relative to ~~the~~ ^{the} proposed Rule to Claude Boudreaux, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000

(The full text of the notice of intent is made a part of the record)

The shrimp season in Louisiana's offshore Territorial waters seaward of the inside-outside shrimp line as described in R.S. 56:495 will open at 6:00 a.m., Monday, March 12, 1990, and remain open until further notice. The Secretary of the Department shall have the authority to close this season should conditions warrant.

From March 1, 1990 to the opening of the 1990 spring inshore shrimp season, the Secretary of the Department of Wildlife and Fisheries shall have the authority to open and close special seasons in the inshore waters for the harvest of shrimp should this harvest be feasible without the destruction of small brown shrimp.

At Thursday's meeting, the upper Ouachita River Channelization Project was brought to the attention of the Commission by Mr. Bert Jones. Mr. Jones stated that the Monroe area shows great concern for the upper Ouachita River since the river runs right through Monroe and West Monroe and he understands there is a group from the

Corps that is going to update the Commission on the project. Mr. Jones asked Mr. Paul Barnes, Corps of Engineers, Vicksburg District, Mississippi, to address the Commission on this issue.

Mr. Barnes introduced Mr. Corky Corkern, Chief of the Navigation Field Office in Monroe, Louisiana, who has been working with Mr. Barnes on this project. As of now the project is dormant because there is no money budgeted for this project in the next fiscal year. The Corps of Engineers, at the request of Congressman Huckleby, is preparing an economic reevaluation of the entire project with most of the emphasis being on the benefits to Louisiana. Mr. Barnes showed slides of the project to the Commission which gave the Commissioners an idea of the status of the project. Four locks and dams have been completed and a nine foot navigational channel has been completed Mr. Barnes informed the Commission. Other items of work that are authorized for the project are channel realignment and mooring facilities with emphasis being on the channel realignment work in Louisiana. The design for the Ouatchia-Black River calls for a four barge tow all the way to Crossit Harbor and from there the design calls for just a two barge tow. Mr. Barnes advised that in conjunction with the project the Felsenthal National Wildlife Refuge and the Darbonne Wildlife Refuge were developed during the period of authorization. Also under this authorization approximately thirty one recreational ~~sites~~ ^{Sites} were developed with nineteen being in Louisiana and twelve in Arkansas (five in Felsenthal NWR). The report on navigational

work has been submitted to Colonel Skidmore who has tabled it until the Economic Reanalysis is finished and submitted to Congressman Huckleby in Louisiana and Congressman Anthony in Arkansas for their decision to support the project or not and the reason this is important is the construction right-of-way work will be funded from local state funds. The State of Louisiana will provide funds to the Louisiana Department of Transportation and Development for the construction of right-of-ways within Louisiana and then the local Quorum Courts in Arkansas will provide their funds. The Corps has not approached the courts about the Arkansas work because the plan is to do the navigational work in sequence and if the work is not done in Louisiana it will not be done in Arkansas. Concluding, Mr. Barnes thanked the Commission.

Mr. Jones asked Mr. Barnes if basically the whole format for management of the river is strictly for commerce. Mr. Barnes advised that the authority for the project comes under navigation projects. Mr. Jones advised that he has two reasons for concern, one of which is the fact that he does not think the project is justified by the potential commerce that will be seen. Mr. Barnes stated that Congressman Huckleby and Congressman Anthony both have the same concern and as part of the economic reanalysis the Corps put together a questionnaire that is sent out to businesses to find out if there is still interest in towing on the Ouachita River mainly from Crossit Harbor on up and then find out the interest in Louisiana.

Vice Chairman Jenkins stated to let the record show that Dr. Hines was in attendance.

Secretary Van Sickle asked Mr. Blue Watson, of the department, to bring the Commissioners up to date on what the department's position has been and what role, regulatory or non-regulatory, the department has in this program.

Mr. Watson advised that the department's primary function in review of these types of projects is triggered by a federal law called U.S. Fish and Wildlife Coordination Act where any federal project or any project that requires a federal permit or expense/federal funds triggers the act which specifies that the state agency responsible for fish and wildlife resources must comment and those comments must be considered. A great deal of the department's effort has been expended in conjunction with the U.S. Fish and Wildlife Service through a report that has to be generated on all of these projects called a Fish and Wildlife Coordination Report. The department works very closely with the Corps, U.S. Fish and Wildlife Service and with local sponsors. This project has been going on for a long period of time and back in the 70's the Department of Wildlife and Fisheries was in contact with the Corps and U.S. Fish and Wildlife Service but the role that the department played at that time was not very significant. After 1980 the department began to look at the project a little more carefully and had an individual assigned to it and this is when correspondence

really begin to be generated advised Mr. Watson. The department was not in favor of the project as it was originally proposed and thought it had entirely too much environmental damage and in discussions with the Corps and U.S. Fish and Wildlife Service this project was reduced in scope in ~~the State of~~ Louisiana. The last correspondence the department had with the Corps on this project was August 17, 1984. The methodology that was used at the time the ~~EIS~~ was devised and also the supplemental EIS is methodology that is not used anymore and has been obsolete for some time. Mr. Watson advised that he had some problems with the economic evaluations and is glad to see that this is being reevaluated. The department has not really been in favor of the project but did agree with the Corps of Engineers in its final letter that the reduction in the amount of channel work that was to be done would indeed substantially reduce the environmental damage that would be caused by the project but nowhere in that letter or nowhere has it been said that the department was totally in favor of this project. Concluding Mr. Watson advised this is essentially where the department is and this project faded back in the mid eighties and has been on hold every since. The individual who was working directly with this project is no longer with the department stated Mr. Watson.

Mr. Jones asked about the number of cut-offs and bend widenings. There are two cut-offs and two bend widenings in Louisiana. Mr. Jones asked about the Environmental Impact Statement on the cut-

offs. The original Environmental Impact Statement addressed all of the cut-offs and the supplemental EIS addressed the reduced level but there were still problems with the methodology and it is felt that the methodology that is used today is considerably better than ten years ago. Mr. Barnes advised that the EIS done in 1984 is no longer valid with the type of disposal recommendations that are in place now but since there are no plans yet to construct the project the final EIS has not been prepared but will be prepared in accordance with this type of design. The EIS will be submitted to the EPA and a hearing will be held. Mr. Watson commented that this will give the department an opportunity to utilize the newer methodology and reevaluate it from the department's standpoint.

Mr. Jones stated that he really thinks that the overall project is not directed correctly. The economic impact will not be how many barges will be pulled through the area but will be the recreation and tourism that will come to the area. Mr. Jones stated that he thinks the position should be reevaluated on the management of the river because it is not going to be economically feasible to barge materials up the river and be competitive. If it would have been this would have been done already commented Mr. Jones. Mr. Jones asked about the tonnage of materials on the river.

Mr. L. C. "Corky" Corkern, Corps of Engineers, addressed the Commission on the tonnage. The tonnage on the part of the river that is completed has not gone down to nothing but has increased

from around three hundred thousand tons per year to over a million of tons per year. Tonnage cannot be moved where barges cannot go. The tonnage when the locks and dams were completed on the upper river started increasing until the controversy started and the lack of commitment on the part of completing the project. In Mr. Corkern's opinion it is unfair to say "give us the tonnage and we will give you the river". Tonnage cannot be moved efficiently when you cannot get around the bends with more than one barge. It takes the same amount of fuel to push four barges as it does one basically so the cost is the same yet the return is cut in half or down to a fourth advised Mr. Corkern. In the part that has been completed, the tonnage has increased and it is not fair to say that the tonnage has depleted after the nine foot channel. The depth of water was not the controlling thing but the bend widenings and being able to get around the bends ~~are~~ the controlling factor. Mr. Corkern thinks that consideration should be given as to whether or not there will be any tonnage up there, not that it has decreased because they could not get there.

this is ok

S

Mr. Travis Howard, West Monroe, addressed the Commission. Mr. Howard has lived and farmed on the Ouachita River since 1927. Mr. Howard advised that at the last meeting that was held with Congressman Huckaby both commercial departments, Monroe and West Monroe, were represented and they have not had one single company that could use this project. Mr. Howard stated that some of the materials that the barges carry are very dangerous. Mr. Howard

is against the project.

Mr. Ray Wright, property owner ~~in camp~~ on Ouachita River, Ward Nine. Mr. Wright stated that he has not sat on the banks of the river and counted the barges but all he has noticed is about two or three a week. Personally, Mr. Wright cannot understand the millions and millions of dollars that are being spent for the small economic return that the area is suppose to get from the improvement of this river.

Dr. Michael Caire, West Monroe, member of Save the Ouachita River Environment addressed the Commission. Dr. Caire stated that the question here is what is in the best economic benefit for Louisiana, what is in the best environmental benefit, how can it be brought about and is there proper balance. Dr. Caire believes that the Corps had done an excellent job on trying to do environmental mitigation for their primary goal which has been a nine foot navigation channel. This does not justify spending another forty million dollars to bring in economic growth to the area for navigation if the navigation is not going to be in the best interest of the area. The economic interest of recreation and tourism has spontaneously grown along the Ouachita River. When the Save the Ouachita Environment group met with Governor Roemer they asked him not to just come out against the Ouachita River bend widenings for their environmental aspects it was also pointed out that the river and its relatively natural state has one of the

potentials of being part of the best economic benefit of the area because recreation and tourism is one of the best industry in both Arkansas and Louisiana. Before there is any further expenditures of state funds the Save the Ouachita Environment groups is asking that the Ouachita River be evaluated as being managed primarily for wildlife and recreation as one of the equations before any~~more~~ public money is spent in construction of this navigation project. The Corps project that they are talking about reevaluating is how the economic benefits of the primary navigation project are still there. It is still felt that until one of the legitimate questions being asked and being studied and being presented is what happens if the Ouachita River is managed primarily for wildlife and recreation. Dr. Caire thinks this is where the interest is and this is what is going to be in the best economic interest to the area. Dr. Caire concluded that he hopes that the Commission could support some sort of resolution to manage the Ouachita for wildlife and recreation.

Mr. Jones read a letter that Congressman Huckaby wrote to him in which he expressed his opposition to any channelization, bend widening or cut^{off} work being done on the Ouachita River by the Corps of Engineers in Louisiana. Congressman Huckaby has asked the Corps to restudy the economic viability of the project which they are now doing. Mr. Jones stated that the Ouachita is a beautiful river and it needs to be kept that way and he was in favor of getting Mr. Don Puckett, Legal Counsel, to work on a

resolution that would show a need for redirection of the way the Corps manages the river and its management be primarily concerned with wildlife, habitat, fisheries and economics from this as opposed to straight barge commerce. Mr. Jones made a motion that Mr. Puckett prepare a resolution pertaining to Ouachita River matter. The motion was seconded by Mr. McCall and passed unanimously.

Mr. Barnes advised that Colonel Skidmore is going to meet with the Louisiana Congressional Delegation this weekend and first part of next week. The main concern that the Corps has with this project is that it was authorized in 1950 with the development of the recreational and mitigation prior to the navigation the Corps realizes there may be a different aspect to this project. What the Corps of Engineers has to face now is that there is a navigation authorized project that if the authorization of this project changes there will be some implications to this and the Corps is trying to find out what kind of implications there would be. The Corps will need the help and support of others on this and the one aspect that the Corps wants to ~~deal on~~ and ask the public to deal

^{with} ~~on~~ is not the destruction of the environment since the Corps of Engineers has gone to necessary steps to take care of it, but ~~wants~~ ^{to look at} the economics ~~not~~ of the environmental aspect. Mr. Barnes stated that they need to work together and the more the Corps of Engineers is blasted the worse the situation becomes.

Mr. Wright asked Mr. Barnes if there was any data in relation to the money involved in recreation, fishing and hunting and whatever that is spent which would all be taxable dollars versus the money that would be spent by industry in the navigation of the Ouachita River? It was stated that the only thing the Corps has is the recreational figures of how many people actually ^{utilize existing} ~~constitute the~~ recreational areas. The department has nothing.

At Friday's meeting Mr. Jones stated that on the agenda for Thursday's meeting there was a report on the Upper Ouachita Channelization project and through Mr. Puckett's efforts he has come up with a resolution that resulted from the discussion yesterday. Mr. Jones read the resolution and made a motion that the Commission adopt this resolution. The motion was seconded by Mr. McCall and passed unanimously.

(The full text of the resolution is
made a part of the record)

WHEREAS, the Ouachita River is an important regional state and national resource, both for fish and wildlife and public recreational purposes; and

WHEREAS, it is the belief of this Commission that the highest and best use of the river and the lands and waters contained within the Ouachita-Black Navigation project is for fish

and wildlife and public recreation.

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby recommends and supports the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, primarily for the purposes of fish and wildlife conservation and management, and public recreation.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission supports and recommends that the management of the Ouachita-Black Navigation Project, and the lands and waters included therein, be a cooperative effort of the U.S. Corps of Engineers, the U.S. Fish and Wildlife Service, the Louisiana Department of Wildlife and Fisheries, the Louisiana Wildlife and Fisheries Commission, and the Arkansas Fish and Game Commission

At Friday's meeting a notice of intent on reef fish, rules and regulations for take and possession was presented to the Commission by Dr. Jerry Clark. Dr. Clark handed each Commissioner a notice of intent and fiscal and economic impact statement on the reef fish rule. Dr. Clark reported that in 1979 the Gulf of Mexico Fishery Management Council took up the question principally of red snapper because at the time there was concern for the red snapper fishery and they began a reef fish plan starting from scratch. It was not

until 1984 that the reef fish plan was put into place and the only thing that was done effectively was a minimum size was put on red snapper. Since 1984 the fishery has continued to decline. Dr. Clark pointed out to the Commission what has been happening to red snapper throughout the gulf in both commercial and recreational landings since 1980. The red snapper fishery is probably in a lot of trouble and the latest words that Dr. Clark has heard from the new stock assessments is that this year's stock assessment is going to be even worst. The rules that the Commission will be putting in place today the Gulf Council will be taking up at their next meeting or the meeting after that and the department will probably be back before the Commission in six months to do something even more restrictive. In 1987 the Gulf Council took up the question of reef fish again. The Council has been working on reef fish for ~~over~~ the last two years and produced the amendment for reef fish.

Dr. Clark explained that the notice of intent is a whole series of minimum size limits, bag limits for the reef fish complex and this is the staff's proposal to deal with this issue. These are identical to the federal regulations that were published in the Federal Register on Monday, January 22, 1990 to the extent that the department's lawyers say that the department has regulatory authority. There are lot of others things in the Federal Register that the lawyers say the department does not have regulatory authority over, such as long lines, buoy fishing, etc. If the department goes to the legislative session and gets the regulatory authority then the department will come back to the Commission with

proposed regulations. Two days ago a letter was received by the department from the Chairman of the Gulf of Mexico Fishery Management Council asking the state to do this in support of their attempts to save the reef fish fishery in the Gulf of Mexico Dr. Clark advised the Commission. Dr. Clark added that this is the flip side of the shrimp amendment problem explaining about the state having the hundred count in the white shrimp fishery and the federal zone does not which causes the state not to be able to enforce their law. The state has asked the federal government to do this and they are in the process of doing this for us. This reef fish regulation is the flip side of this. Very few of these fish are taken in state waters and if these rules are not put in place then any boat in state waters that ~~are~~ stopped by a federal agent can say they caught all the fish in state waters and the feds will not be able to enforce their law. So, if the reef fish concept the feds, ^{the} ~~and~~ ^{is} state need to be in concert, just like they are trying to do for us on the shrimp fishery stated Dr. Clark.

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Dr. Clark commented on the fiscal impact statement which says this will not have any economic impact on the state. This has to do with the curious nature of this fishery and that is that ninety nine plus percent of these fish are taken in federal waters. This is a true statement ~~and~~ if you applied these rules only to state waters. If someone was caught in state waters and tried to employ these rules and those fish were caught in state waters you would only be talking about something less than one percent of the catch

explained Dr. Clark. Dr. Clark advised the Commission that it has been his belief, and he had talked to Mr. Puckett about this, that in a couple of places in the impact statement should be added "However these rules are in concert with federal rules that will have an economic impact." which is done for full information sake. This document has specific estimates of the cost to Louisiana of the imposition of the federal rules. The department is proposing to amend the fiscal impact statement to include that information not as a fiscal impact of the rules that the Commission are about to adopt but to tell people that this is a package deal concluded Dr. Clark.

Acting Chairman Jenkins asked if the Commission had any questions on the reef fish regulations. Dr. Hines stated that he was just wondering how a person who goes saltwater fishing is going to stay legal with all the sizes, limits, etc. Dr. Clark advised that materials should be prepared on all the regulations and deliver them to coast from where people leave out so that they may have information on all the regulations.

Secretary Van Sickle asked about jewfish and the fifty inch total length. The Gulf Council has asked for a band on jewfish harvest, total. The fish gets to be a thousand pounds and are very vulnerable to harvest because they are like elephants out there advised Secretary Van Sickle. There has been a lot of support, ninety percent of letters on jewfish have been from recreational

fishermen and divers, and asked that something be done. In the Federal Register over the past twenty days there has been an announcement of a notice of intent on the federal side to ban the harvest of jewfish which will be an amendment to the amendment of the plan. Secretary Van Sickle recommended to prevent having to go back through all this shouldn't the state just go ahead and ban jewfish. Dr. Clark stated that he certainly does not object to this and the only reason this was done was to be very careful and not jump the gun and write a rule that was incorrect or have the feds do something that the state did not do and for caution sake this has not been done. It is still possible that the federal regulation on jewfish might be turned down by the Secretary. Dr. Hines suggested that this would be another incident where the state would be in conflict with the federal rule so just stay with what they are and change it when the time comes. Secretary Van Sickle asked if the proposed rule could be amended upon ratification by the Commission in ninety days if the federal rule does pass during the time. Mr. Puckett advised that it can be changed between the notice of intent and final rule.

Dr. Clark pointed out that in the notice of intent in the paragraph pertaining to charter boats and head boats the language has been taken out of the Federal Register and put it into the paragraph but there were a couple of definitions that have not been pulled out that Law Enforcement Section has asked to make a part of it. Mr. Puckett has suggested that basically we do not pull the

language out but just reference to the Federal Register by notice that this is what is going to be done. Mr. Puckett's suggested changes are the following: "For charter vessels and head boats as defined in federal regulations 50 CFR, Part 641, as amended by F.R. Volume 55, Number 14 there will be an allowance for up to two daily bag limits on multi day trips." and scratch everything else.

Mr. Puckett advised that for the benefit of the fishermen for informational purposes the definition of charter vessels and head boat can be recited in the rule that would be promulgated so that the fishermen would not have to go to the federal regulations to see how it is defined.

Mr. McCall asked if this would affect the commercial fishermen. Dr. Clark answered yes it does and if you look at the notice of intent right under greater amberjack there is a paragraph which says "All persons who does not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit." This will affect the commercial fishermen but not differently than they are already going to be affected by the federal rules. Mr. McCall stated he had understood Dr. Clark to say that one-third of the red snapper caught in the gulf are caught in shrimp nets but they are not landed. Dr. Clark answered yes, they are taken as bycatch and they are shoveled overboard. Dr. Hines asked about people who possess

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a permit issued by the NMFS, what can they catch; larger catch, smaller catch. Dr. Clark stated that this was part two of the additional information that he needed to add. Part of the federal rules are overall quotas for commercial fishermen and the department is also proposing that state close the commercial fishery when those quotas are met. However, it is the Secretary's authority that will principally be used to do this because these are gulf wide quotas and the Secretary has the authority to close for biological reasons for whatever those reasons are. An insert is being proposed into the explanatory part of the rule which will be for informational purposes only which will read "The Secretary of the Department of Wildlife and Fisheries also expresses the intent to close the commercial fishery once the gulf quota has been reached under authority of R.S. 56:317." Anyone who has a reef fish permit can participate in the commercial fishery and land under these quotas which might include shrimpers. These are the gulf wide quotas: Red Snapper - 3.1 million pounds; Deep Water Grouper - 1.8 million pounds (yellowedge, misty, warsaw, misty snowedge); Other Groupers (except jewfish) - 9.2 million pounds (red grouper, nassau, black, yellowmouth, gag, etc.). Anyone with a federal permit can use legal gear and land under these quotas but once these quotas are met it is the intent that the Secretary will close the commercial fishery for those species in Louisiana in support of the federal closure. Dr. Hines asked what would happen if the Secretary doesn't close the state waters and the federal waters are closed. Dr. Clark stated that it would be illegal to

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fish in the federal waters but not state waters so anyone who would go out at night and fish federal waters and hope that they can make it back to state waters with their catch could legally land in Louisiana if the state doesn't also close. Secretary Van Sickle pointed out that the NMFS has only one agent to enforce federal laws between Texas and Louisiana so Louisiana's enforcement is critical. Mr. Vujnovich stated that he had attended a meeting with the National Marine Fisheries and the gentleman that was doing the presentation stated to the fishermen that if they were thinking of making a living in the future in the offshore fishing industry the government will tell you how much to fish, when to fish and how to fish and advised anybody who was thinking of building (new boat don't do it. Dr. Clark commented that he thinks this is unfortunate because there are a lot of things going on right now in the gulf that could lead to some very good changes and does not believe this is necessarily a true statement. Mr. Vujnovich stated that he did not believe this either because there are a large number of fish out in the gulf that have not even been tapped for commercial resources.

Acting Chairman Jenkins called for a motion on the reef fish resolution and notice of intent. Mr. McCall made motion to adopt the resolution and notice of intent and seconded by Dr. Hines. Acting Chairman Jenkins asked if anybody would like to comment on the proposed rule.

Mr. Jerry Hightower addressed the Commission. Mr. Hightower asked how the federal government verifies and how the state government verifies when the quota is reached. Secretary Van Sickle answered that on this particular rule each of these fishermen that obtain a permit are required to report to the federal government every fish that they catch. On the red snapper the quota will just apply to the commercial fishermen and they will have to report to the federal government to keep a permit. They will be monitored and are checked twice, one they have to submit a report and two they are spot checked by agents that work cooperatively between the state and federal government (Port Agents) that go in and do surveys at the dock to determine what the average number of fish is being brought to shore by commercial fishermen. And under Louisiana's new law the dealer, first point of sale, will have to report it. Mr. Hightower asked if this worked the same way for speckled and red fish. Secretary Van Sickle stated that the department just started requiring the dealers reports in January so the state's reports have not been used yet for a quota but in the past the other two ways have been used to monitor the quotas. Mr. Hightower asked if the department felt like they have all the doors closed and that the report is accurate. Secretary Van Sickle stated no she would not say that and explained the procedure of how the quotas are figured out. This is the best that any fishery agency in the country can do at this point stated Secretary Van Sickle.

Acting Chairman Jenkins called for a vote on the motion to adopt the reef fish resolution and notice of intent. The motion passed unanimously.

(The full text of the resolution is
made a part of the report)

WHEREAS, reef fish are managed under the federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico, and

WHEREAS, recent stock assessments by the National Marine Fisheries Service have indicated that the reef fish resource in the Gulf of Mexico are in need of additional protection, and *the*

WHEREAS, this fishery management plan establishes bag limits and size limits for reef fish taken ~~int~~ *he* federal waters of the Gulf of Mexico, and

WHEREAS, the Gulf of Mexico Fishery Management Councils have requested that the Gulf States adopt reef fish regulations compatible with those contained in the federal fishery management plan, and

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that pursuant to the authority granted by

Section 326.3 of Title 56 of the Louisiana Revised Statutes, the Louisiana Wildlife and Fisheries Commission expresses its intent to establish bag limits and size limits for reef fish consistent with those scheduled to be implemented under the Federal Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

BE IT FURTHER RESOLVED, that the complete contents of the proposed rule establishing bag limits and size limits for reef fish is attached to and made a part of this resolution

(The full text of the notice of intent is made a part of the record)

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations on snapper, grouper, sea basses and amberjack in Louisiana's territorial waters. The measures are to be consistent with federal regulations which are designed to restore declining stocks of these species.

The proposed measures include minimum size limits and recreational bag limits as follows:

<u>Species</u>	<u>Recreational Bag Limits</u>
Red Snapper	7 fish per person per day

Queen, mutton	10 fish per person per day
schoolmaster,	(in aggregate)
blackfin, cubera,	
gray dog, mahogany,	
silk, yellowtail,	
wenchman, and	
voraz snappers	

All groupers	5 fish per person per day (in aggregate)
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Greater amberjack	3 fish per person per day
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All persons who do not possess a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish Resources are limited to the recreational bag limit.

A person subject to a bag limit may not possess during a single day, regardless of the number of trips ~~or~~ the duration of a trip, any reef fish in excess of the bag limits.

For charterboats and headboats there will be an allowance for up to two daily bag limits on multi-day trips provided the vessel has two licensed operators aboard as required by the U.S. Coast Guard

for trips of over 12 hours, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

<u>Species</u>	<u>Minimum Size Limits</u>
Red snapper	13 inches total length
Gray, mutton and yellowtail snapper	12 inches total length
Lane and vermillion snapper	8 inches total length
Red, Gag, black, yellowfin, and nassau grouper	20 inch total length
Jewfish	50 inches total length
Greater amberjack	28 inches fork length (recreational) 36 inches for length (commercial)
Black seabass	8 inches total length

Authority for adoption of this rule is contained in Sections

326.1 and 326.3 of Title 56 of the Louisiana Revised Statutes.

Interested persons may submit comments relative to the proposed rule to: John E. Roussel, Marine Fish Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

At Friday's meeting Dr. Jerry Clark discussed the recent trends in commercial/recreational harvest of fish and shrimp. Dr. Clark distributed a set of figures that were prepared by staff for a House Natural Resource Coastal members sub-committee that was chaired by Representative Roach. The purpose of the meeting was to have a State of the State with respect to marine, commercial fishing and recreational fishing in the state but due to unavoidable circumstances these figures were never given. Dr. Clark stated that these figures tell a very interesting story and proceeded to explain. These figures give the value of the shrimp, finfish from 1980 to 1988. Total finfish includes all commercial finfish (oceanic, estuaries, freshwater). In 1989 the Louisiana harvest of shrimp was estimated to be worth a hundred and thirty million dollars which is terrible news. This means that between 1986 and 1989 this state's economy declined by seventy million dollars. In 1980 the total for finfish was ten million dollars and in 1988 the total for finfish was fifty million dollars. This looks good but may not be stated Dr. Clark. Going to the second page of the figures Dr. Clark stated that they had separated out the in the

~~finfish the oceanic and the Louisiana fishery?~~

He explained that

^{was}
oceanic ~~is~~ defined as those fish that are typically landed offshore (mackerels, snappers, tunas, sharks). By looking at this figure one will see that the thin line, the thin segment between the two finfish lines is really the estuarine and this means that almost the entire run up in value in Louisiana between 1980 and 1988 took place from offshore fisheries explained Dr. Clark. There has been almost no impact in the estuarine waters between 1980 and 1988. Going to the next page Dr. Clark explained that in 1984 there were essentially no yellowfin tuna landings in Louisiana but in 1988 there was twelve million pounds worth nineteen million dollars. This nineteen million dollars represents five times the value of the traditional estuarine finfish resource in the state of Louisiana. This fishery swamps everything with commercial saltwater finfish. Acting Chairman Jenkins asked Dr. Clark if this was eighteen-nineteen million dollars that he was saying. Dr. Clark stated that was right. Acting Chairman Jenkins asked how many times the inshore estuary fishery in Louisiana. Dr. Clark stated that depending upon the year that you look at ~~it~~ it could be anywhere from ten times to only two or three times on this single specie of fish. Acting Chairman stated that what got his attention was the size of the estuary fishery. Dr. Clark stated that this would be coming up next and proceeded to remind the Commission that he had stated earlier that the finfish was going up to fifty million dollars which was good news, but not all good news. There is no evidence that this is supportable and Louisiana

is on the way to another management failure with yellowfin tuna commented Dr. Clark and the reason for this is that there is no management of this fishery because the state is precluded by federal law from doing any management of this species. It is under what is known as the ICAT which is a U.S. Federal Treaty and this fish is not even part of the Magnason Act. There is an attempt in Congress to make it part of the act but this fishery is totally unregulated. Dr. Clark stated he know this isn't going to work because it already failed once when the Japanese were in the Gulf in the seventies and they landed these kinds of landings then left when the fishery collapsed. This fishery will collapse because the fishermen are out there doing what they normally do when there is no management. Mr. McCall asked how long this fishery would go before it collapsed. Dr. Clark stated he believed the Japanese fishery lasted about ten years. Secretary Van Sickle advised that when it started to crash it came down just about as fast as it had gone up and actually the Japanese never got to the point where it is now. The Louisiana Congressional Delegation has opposed adding tuna to the Magnason Act and the department has corresponded with every member of the delegation. ICAT has not dealt with this issue and the department does not expect ICAT to deal with this; basically missiles have been traded for fish and it is not working stated Secretary Van Sickle. Acting Chairman Jenkins stated that the fishermen are five years into it already so it may not last but another five years. Dr. Clark commented if the Japanese did not hit twelve million pounds this probably will not last ten years,

it may only last a couple of more years. Secretary Van Sickle advised that she did get letters back from some Congressmen, Livingston, Mrs. Boggs, Hayes, etc., who stated they were voting for the Magnason Act to include tuna, but not all did. Dr. Clark informed the Commission that the species, yellowfin tuna, amounts to more than fifty percent of the run up in value that was shown on the first page of these figures. The tuna is principally and primarily a Louisiana fishery.

harvest

Continuing, Dr. Clark went on to the shark harvest landings in Louisiana. The shark is not principally in Louisiana but is taking place throughout the gulf. In 1984 there were essentially no landings of sharks and in 1988 there was five million pounds worth two million dollars. This is probably less supportable than the yellowfin tuna fishery stated Dr. Clark. Shark are long lived, they have pups, may only spawn every other year, or every five years and have as few as two pups, and many sharks are live bearers. Dr. Clark knows of no shark fishery that has ever survived in the country or in the world and if sharks are harvested commercially it will collapse. Secretary Van Sickle stated that the department has asked for an emergency shark plan from the federal government. Dr. Clark pointed out that the yellowfin tuna and sharks make up the run up in value. Going to the next figure, Dr. Clark stated that this figure gives a feel for the relative value of the estuarine fishery (Louisiana traditional commercial fisheries) which includes catfish and buffalo. Proceeding, Dr.

Clark explained that in the next figures what was done that what has been called estuarine has been broken into the freshwater component and saltwater component. The saltwater component is red drum black drum, sheepheads, and flounder. The freshwater is buffalo, catfish taken in the wild, and gars. In 1980 the freshwater commercial fishery in the state were worth twice in value what the marine fishery were worth. Over time the freshwater fishery has been very stable right at four million dollars. Looking at the marine fisheries the big run up from about a two million dollar fishery in 1980 to a twelve million dollar fishery in 1986-87 was caused by the red drum and black drum. The collapse in 1988 of this fishery was the game fish status for red drum. Dr. Clark stated that the peak of the marine fishery in the state was worth about twelve million dollars but it was not really fair to call it a twelve million dollar fishery because it was only there for two years and not supportable. Acting Chairman Jenkins asked Dr. Clark if what he is saying is that the coastal commercial fishery inshore in Louisiana today which is primarily speckled trout, black drum, sheepshead, and flounder that the value of the catch received by commercial fishermen is only five million dollars which makes it equal to the freshwater commercial fishery. Dr. Clark stated that he had done some calculation and if a person could live on twenty thousand dollars than this would mean five families could live on a hundred thousand dollars which means fifty families could live on a million dollars and that means that the maximum supportable Louisiana population that could be supported

by this would be about five hundred commercial fishermen total. Secretary Van Sickle pointed out that these values do not include the values in restaurants, etc. this is strictly dockside value. There are over two thousand licensed commercial fishermen and if they all made the same amount of money right now commercial finfish fishermen in Louisiana household income would be about four thousand dollars. Dr. Clark proceeded to explain the run up that took place in the eighties. The first figure represents black drum and the Commission is working on this right now. It went from a traditional fishery in the ~~last~~ seventies and early eighties and landed less than a hundred thousand pounds of black drum worth very little to a fishery in 1988 where nine million pounds were landed worth approaching three million dollars. It takes a lot of black drum to get any value commented Dr. Clark. The next figure represented the red drum where there is also the run up in the eighties in the estuarine fish that was part of the red drum. The big run up in eighty-five, eighty-six and eighty-seven is principally from the purse seines offshore stated Dr. Clark and many of the fish went to Mississippi because Louisiana did not allow the landing of purse seine caught fish at that time. Mississippi had the processing plants and it was legal to land them in Mississippi. The next figure represented the menhaden fishery which is a monster fishery and talking about an average landing of 1.4 billion pounds. The recent legislation that was passed for the bait quota is about six million pounds and the latest evidence that was received is about 1.6 million pounds has been landed and by

only the one company. The next figure represented the commercial soft crab harvest which is one hundred and sixty thousand pounds. The next figure represented the commercial hard crab harvest which reached a peak of fifty eight million pounds. The interesting thing about this commercial hard crab harvest stated Dr. Clark is that if you were a business person and you did not know anything about commercial fisheries you would think this must be a tremendous success story. But like other fisheries in the state it is nearly bankrupt, there are just too many people. It is Dr. Clark's understanding that in 1989 the crab harvest may have been down by as much as a third which has everybody concerned. The next figures represented the commercial oyster harvest. Dr. Clark stated that everything anybody has heard about the oyster industry in the last year has been that it is a disaster but when you look at the figures you would ask where is the disaster but you know it is. It is just like every other commercial fishery that Louisiana has. Mr. McCall asked about the million pounds landing and if this is before they are shucked. Dr. Clark answered that these are meat weights. Louisiana has had relatively stable fisheries since 1982 and the value has gone up. Mr. Vujnovich commented that in 1981 a sack of oysters, which produces from five to seven pounds, dock side value was around eight dollars and right now dock side value of a sack of oysters was twenty seven dollars so the money is there but production is way, way down. The 1989 figures for oysters shows a drop from about thirteen million pounds in 1988 to eleven and a half pounds which is about a ten percent drop. Dr. Clark

stated that if he were a banker and knew nothing about the commercial fishing industry he would say that oysters were doing great going from a five million dollar business in 1981 to a twelve and half million dollar business in 1989. Mr. Vujnovich stated that approximately in 1981 there might have been about four to five hundred commercial oyster licenses and right now there is over two thousands. Dr. Clark stated that if he were going to make a comment about the commercial industry Louisiana is squandering the value of its resources by trying to divide it into too many pieces. The last figures represents the recreational fishery. In marine fisheries (saltwater) the estimates from 1985 for Louisiana recreational fishermen spent about one hundred and forty million dollars in trip related expenses which does not include any gear and if you were to add boats, motors and trailers it would probably double and are talking about recreational expenditures of about two hundred and eighty million dollars. This would be about twice the value of the shrimp fishery dock side. Total statewide expenditures for recreational fishing is five hundred and ninety seven million dollars. Secretary Van Sickle asked if the expenditures by the commercial fishermen have ever been calculated. Dr. Clark stated that is why you look at the x-vessel value because the x-vessel value is usually considered to be the maximum amount they could spend. This is the commercial fishermen's take and if the shrimp fishermen receive a hundred and fifty million dollars from the sale of their catch then this is how much money they have to spend on boats, gas, etc. explained Dr. Clark. When the

commercial fishing is in trouble like it is now a lot of fishermen are borrowing money but no business can survive spending more than it takes in for very long. Dr. Clark informed the Commission that the rest of the figures are just the recreational harvest of numbers of fish by recreational fishermen and advised that the Commissioners look at the mean across all the years because this data is based upon the Marine Recreational Fishery Survey and everyone knows that the purpose of that fishery was to look at region wide landings and not statewide landings and the statisticians will tell you that it is an inappropriate use of this data to look at statewide landings especially if you are trying to find trends. Dr. Clark stated that one of the things that he had said earlier that he would come back to when he was going through this state of the state and that is one of the things that is happening right now in Louisiana which he thinks is very important and potentially very positive is that every fishery task force right now is focused on the problem of too many fishermen. The discussion in these task forces are being very fruitful and principally what is coming out of these meetings is that the commercial fishing industry is hopefully uniting behind a push at the legislature to make ~~there be~~ requirements (something like an income requirement) to prove up that a person is really a commercial fisherman in order to get a commercial fishing license. The department is just facilitating these discussion because it is not the department's place to try and run people out of the commercial fishing industry. Dr. Clark gave an example of a

proposed bill that could be introduced at the legislative session and stated that this is just one of the things that was being discussed but it is these kinds of actions that are going to have to be taken if commercial fishing is going to survive in the state of Louisiana. Concluding Dr. Clark stated that he has cautioned members of the task forces that it may already be too late since fifty percent of the people who are commercial fishermen are part-time. Mr. McCall asked if that what Dr. Clark is basically saying is that every type of fisheries is in bad trouble in the state of Louisiana. Dr. Clark stated that this was right. Dr. Hines stated that looking at this from another aspect, and this is certainly an unscientific observation, probably the same number of people in 1980 were making their living in the gulf as in 1988 but about a half or two thirds of those people were working on rigs or working with the oil industry and as they became unemployed they stayed in the gulf in the fishing industry which super-saturated it and just hopefully someday the oil industry can hire them back and relieve part of the problem. Dr. Clark commented that since the 1970's there have been four waves just like that with the first wave starting with the oil embargo when the ~~prices of raw prices~~ went up, the second run up was the Magnason Act, the third run up was the resettlement of aliens in this country and the fourth one is the one that Dr. Hines just mentioned. Everyone of these have had a detrimental impact on the lives and income of traditional commercial fishermen. Mr. Vujnovich added that there is a disaster loan for the fishing industry and he is on the Farmers Home

Administration Board for the oyster industry where the loans are applied for and approved. So far they have had a hundred and forty one applications and people are in the need of money to survive in the seafood industry. The people that are in the seafood commercial industry for the first time are seeing that if they do not ban together that it is the end of the industry stated Mr. Vujnovich. Mr. Jones stated that he believed the influx of all the people make Dr. Clark's job a lot harder because people are always reacting as opposed to forecasting what these fisheries will do. Dr. Clark advised that there will be tremendous pressure put upon the Commission and the department in the upcoming years to make hard decisions.

Acting Chairman Jenkins asked if there were any questions from the audience. A gentleman from the audience asked Dr. Clark how much effect has the environmental situation had on the fishing chemical wise. Dr. Clark advised that if he had to look at the data that there is right now on the productivity of Louisiana waters he would say that on the whole he could not find a statistically significant negative impact. If the environment was not supporting the animals in the water the landings would not be going up stated Dr. Clark. There is a piece of research out of LSU by Crowder who says the breakup of the marsh is good for fisheries because all the detritus and everything that has accumulated in the marsh over the years is being slowly released as the marsh is deteriorating and on a short run bases you can get away with this stated Dr. Clark but it is

like taking the principle out of the bank and spending it. There is really another element to the question Dr. Clark commented and he is really afraid of the point that was made about chemical because if you look at Calcasieu he does not know when it is going to end. A lot of people are telling Dr. Clark that the reason we don't have more Calcasieus is because we have not looked. As far as impacts on individuals and localized area they are definitely there and will probably get worst. SA

A gentleman from the audience addressed the Commission and asked how they decided there was a light to moderate kill on speckled trout and redfish after the freeze and also what effects is this going to have on the specks and redfish. Dr. Clark stated that the answer to the first part of the question is that starting on Christmas Day and the days afterwards every finfish biologist in the state was in the field, members of the Baton Rouge staff were in airplanes flying over the coast, members of the Fur and Refuge Division in airplanes flying around the coast, and members of the Wildlife staff were out there looking and counting and assessing the damage. The conclusion that the overall impact was light on fisheries was decided because it was found that fish were killed all across the state but only a handful of places, maybe a dozen or a few more, where there were deadend canals, etc. and things like that where there was a hundred percent mortality and these were relatively few. The current gill net data, which is very preliminary, indicates that catches in gill nets of red drum and

spotted seatrout have almost returned to normal already and the department did not expect this stated Dr. Clark. Mr. Jones asked what the update was on the forecast of the closure of speckle trout. ^d

Dr. Clark informed the Commission that black drum estimates through January ^{were} ~~is~~ 108,811 fish ^{which is} ~~so~~ about a third of the quota through the first six month quota, ^{he does} ~~and~~ do not anticipate a closure on black drum and will be starting ~~into~~ ^{the second six month quota} in April. The spotted seatrout harvest as reported to the current time is 766,645 pounds through December and do not have January landings because of the new reporting procedures going into place. The reason the department has January's black drum landings is because there is only about ten dealers in the state that handle the majority of that product and they are contacted by phone. The forecast date is still late March.

Mr. Jim Mill, Monroe, addressed the Commission and asked Dr. Clark if this last freeze was as severe as 1983. The extent in temperature and decline was greater than it was in 1983 answered Dr. Clark but were in much better shape this year because in 1983 the temperature went from about sixty degrees during the day and dropped off rapidly and quickly. This year there were six cold fronts between November 15 and the freeze and everyone of the cold fronts put fish offshore. If Louisiana would have had the temperature freeze that it had this year in 1983 it would have been a devastating freeze. Acting Chairman Jenkins thanked Dr. Clark

for his report and stated that he would like to see this report given again in South Louisiana and believes the Secretary agrees that it be put back on the agenda for informational purposes. Secretary Van Sickle recommended adding efforts (license information) to the graphs which would be interesting to know and helps makes sense out of them.

At Thursday's meeting Mr. Kell McInnis gave an update on disposition reporting forms. Mr. McInnis reported that the Commission had directed him to oversee a method by which the department could compare all of the efforts of the District Attorney's throughout the state of Louisiana. Mr. McInnis indicated that first the department needed to clean their own house and make sure there was an adequate tracking system for citations in place that the department was comfortable with before he would ask someone else to report what they were doing with the citations and within the first year of operation this was done. A meeting was held with the District Attorney's Association and asked if they would work with the department on coming up with a format for reporting disposition to be utilized to compare the actions that were taken on the department's cases. Through the District Attorney's Association the DA's agreed to work towards a common goal with the department. A sub-committee of the Executive Board was appointed to work with the department. A number of meetings were held producing draft forms and in turn the Association had some requests that it be modified. A workable format was developed

which has been put together on a computer program and allows materials to be delivered to DA's offices. In January Mr. McInnis submitted to each District Attorney by parish a computer listing and asked them to update it for the department. The quarter that was chosen was July 1 through September 30 because it is the beginning of the department's fiscal year and also should have been for the most part a relatively quiet time. This should have given the District Attorneys the opportunity to address most of the issues without being so far back that they would not have any up to date records. Mr. McInnis stated that he found out that some of the DA's offices do act much quicker than others while others it was way pass being acted upon. Historically when a ticket is turned into the DA's office it has an extra copy of the citation (color blue) and they return the blue sheet to the department in Baton Rouge. Major Candies is responsible for reviewing the disposition reports that come in individually, monthly from the District Attorney offices. Mr. McInnis advised that he received responses from twenty nine of the forty one District Attorneys in the form of a completed report. A number of letters were received saying that due to the bulk of the cases in some of the coastal parishes at that time of year they were very busy. One of them pointed out that they had some twenty four hundred cases and that they did not have an opportunity to respond in the amount of time that was given. A number of others, for whatever reason, had difficulty putting it together. Mr. McInnis informed the Commission that he was relatively pleased with the amount of

responses that has been received and the details that were asked for had been given. A number of DA's office have asked for some additional time in which to complete their quarter report but not a single one of them have refused to give the information. Concluding Mr. McInnis asked the Commission exactly what detail would they like to see a final response.

Vice Chairman Jenkins complimented Mr. McInnis on getting the program off the ground and believes it is something that will help the whole enforcement effort.

Mr. McInnis advised that he did have the opportunity to speak personally with a number of the DA's that had not submitted something to date. Some of them indicated that they did not ever remember receiving the report so additional information was sent to them for response. Mr. McInnis recognized Mr. Pete Adams, Administrative Head of the District Attorney's Association, for his cooperation and work on the project along with Mr. Richard Iyou, current President of the DA's Association and Mr. Don Burkett who is the President-Elect. At the end of this month Mr. Burkett will take over as the next President of the District Attorney's Association. Vice Chairman Jenkins also thanked the gentlemen from the DA's Association for their help on this project.

At Thursday's meeting Colonel Charlie Clark presented the monthly law enforcement report for February. Colonel Clark reported that

Region One had ninety five cases; Region Two had seventy six cases; Region Three had seventy six cases; Region Four had eight three cases; Region Five had two hundred and four cases; Region Six had one hundred and seventy five cases; Region Seven had eight six cases; Region Eight had four hundred and fifty one; and SWEP had twenty one cases. One of the reasons that some of the cases are down, such as in Region VII, is because half of the region was in training for a two week period. This time of the year is generally a stand down period and the enforcement division can take advantage of the training. Colonel Clark advised that when the Civil Penalties Program is implemented it will slow the enforcement division's production down but because of the deterrent that is going to be offered in the agent taking the time to measure fish and assess the values to the poundage to wildlife will greatly outweigh the numbers that would have been written had they not taken their time. What the Commission should be watching for is what is being picked up and how much is being picked up and this way a separate category should be developed to put a monetary value so that the Commission can actually see what is being put into the system as far as dollars collected or at least wildlife charges assess to the public stated Colonel Clark.

Mr. McCall stated that he noticed that in last month's case report, which was for the month of January, there was not any information on the Rip Tide and the Delta Tide and asked Colonel Clark why. Colonel Clark stated that he had no idea and that it should have

been in there. There was a special report made at that meeting and it should have been in there also. Mc. McCall stated that he did not see it in his and asked if Colonel Clark could tell him how many hours they ran. Colonel Clark stated that he could not but would look up the information for Mr. McCall and commented that Enforcement did get some complaints in Mr. McCall's area and the boat was sent and stayed for a four day period. There were no cases made while there but on the way back four boats were encountered.

Mr. Jenkins asked about the situation with Region IX and when it was going to become a separate area. Mr. McInnis announced that as of today, Region IX begins its official operations with its headquarters in Grey, LA right near Houma. A clerical person has been hired for the area and is being trained in New Orleans by the Region VIII secretary on how the procedures work and every day forms that are necessary. This person will be working there until Wednesday of next week at which time everybody will physically move to the Region IX office in Grey. Additionally one of the parishes from Region VI is being incorporated into Region IX which is the parish of St. Mary.

Secretary Van Sickle pointed out that this was not going to increase the number of people but just splitting up the responsibility for tracking paperwork, etc. Mr. McInnis stated

that
~~essentially but will be getting~~ one secretary's position that was already in the New Orleans office ~~and which~~ is being moved to the Region IX office. A new position was picked up in the Supervisor's position. The four positions that were just recently approved by the Division of Administration pursuant to the Oyster Harvester's License certainly will be working in Regions VIII and IX as well as Regions V and VI.

Vice Chairman Jenkins stated that in connection with the long range plan of trying to put the people where the need is that he pursues in the future there will be additional personnel in proportion to the need in the districts. Mr. McInnis commented that they tried to put the people where the action is and went on to explain the utilization of agents from the inland parishes.

Secretary Van Sickle advised that the Wildlife and Fisheries personnel will be located at the State Police Office in Grey. LDWF will have free office space and also will be able to try out the Eight Hundred Trunking System.

A report on the minimum bid price on Chartres and Conti Property/New Orleans was presented by Ms. Bettsie Baker at Thursday's meeting. Ms. Baker announced that she had finally received some figures from the appraisers. The property on Chartres Street had one appraisal at \$568,000 and another at \$600,000. The Conti Street property had one appraisal at \$232,000

and another at \$180,000. Ms. Baker pointed out that the Chartres Street property contains asbestos and she does not have an estimate of what it would cost to remove but some accountability needs to be made when the price is established. Ms. Baker talked with Commissioner Jenkins when she received the appraisals and they came up with two recommended values as the minimum bid price. The suggested bid price for the Chartres Street property is \$570,000 and the suggested bid price for the Conti Street property is \$200,000. These are not the averages of the two appraisals but the average of the Chartres Street property would be \$584,000 and the average of the Conti Street Property would be \$206,000. Mr. Jenkins asked Ms. Baker if she had decided on the method of auctioning. Ms. Baker advised that the property will be advertised to be auctioned three ways. The properties will be auctioned first together and then allow auctions separately and if the value of the properties auctioned separately are higher then the price that is received from auctioning them together the person who wins the bid at the higher price has the right to match that value, if he does not choose to it will go to the two separate bidders. The money from these properties will be used for new housing for the New Orleans office and personnel stated Ms. Baker. Once a price is established Mr. Bernard Boudreaux at the State Land Office will see if the Sheriff in New Orleans can set this up on his calendar for the first or second week in April. The properties will be advertised for four weeks in the Time-Picayune, the Baton Rouge newspaper and will also be advertised in the Wall Street Journal.

The realtors in New Orleans as well as everyone who has shown an interest in the property will be contacted by Ms. Baker to let them know it is available. This will be a public auction advised Ms. Baker. Ms. Baker pointed out that the property on Conti Street is a parking garage and the personnel from the office park there so one of the restrictions she is putting on that piece of property is that it would not be available until September 15, 1990. Mr. McCall made a motion that the Commission goes with Ms. Baker's recommendation for the price of the properties (\$570,000 and \$200,000). The motion was seconded by Mr. Jones and passed.

At Thursday's meeting suggested dates were discussed for the Joint Commission meeting with the Texas Parks and Wildlife Department. Secretary Van Sickle stated that following up on the invitation that the Texas Parks and Wildlife Department extended to the Commission at the October meeting at Toledo Bend they would like to host a joint meeting in Texas to talk about issues of mutual interests to both states. After some discussion among the Commissioners and Secretary Van Sickle it was decided that this item would be taken up at tomorrow's meeting to give the Commissioners time to discuss and pick a date.

At Friday's meeting mid-July or mid-September was suggested by the Commission for the special joint meeting between the Texas and Louisiana wildlife and fisheries departments to be held in Texas. Secretary Van Sickle will contact Mr. Travis with the recommended

months and will report back to the Commission on a proposed date.

At Thursday's meeting Vice Chairman Jenkins called for other business and announced that he has had a request from Mr. Dick Smith to address the Commission. Mr. Smith, Vice President of the Louisiana Dog Hunters Association, addressed the Commission. Mr. Smith stated that his concern was on the Kisatchie National Forest. A meeting was held Saturday night with people from Vernon and Beauregard parishes. Attending also was Boise Timber Company and two other independent timber companies who have agreed to leave open a quarter of a million acres of their property open to the hunting for Louisiana people. They are not going to lease it, post it or do anything but they are concerned about the Commission cutting the days, fourteen days of still hunting and seven days of dog hunting in the Kisatchie National Forest. They feel like south Louisiana people are going to fluctuate on to the land that is opened for hunting. The timber companies say that once this starts they are going to be forced to lease their land. Mr. Smith stated that most of the people in the area do not have the money for leases and these people are strictly worried about hunting. If the Kisatchie National Forest is closed to down to twenty one days it will hurt the people. Mr. Smith would like to see the Commission close the doe days to one ~~and one~~. At a meeting five years ago in Natchitoches the people attending told the Commission that there were too many doe days in the parish and the Commission turned around and gave them more doe days instead of less. Mr. Smith

pointed out an article in a magazine (October 1989) and what Mr. Jerry Farrar said about the deer herds in Louisiana. Mr. Smith believes the wrong message is going out to the people. Mr. Smith stated that if there is a black powder season it needs to be before the still season starts. Not to many hunters use black powder and the ones that do are using the new smokeless powder and at seventy five yards it is better than the man with the shot gun. ^T ₌ the black powder is not a primitive weapon anymore stated Mr. Smith. Mr. Smith strongly urged the Commissioners to talk with the people in the area. Mr. Smith talked with Mr. Steve Kanell, District Ranger in Homer, and he advised that having the forestland opened for twenty one days hunting only and closing it the rest of the time will cause a problem everywhere. Mr. Smith recommended that the doe days be cut, leave the forestlands open and spare the other lands that will be left opened for the hunters. Mr. Smith thanked the Commission for hearing him.

Mr. Jones advised that a man had visited with him and discussed a concern he has with the alligator industry and asked him to address the Commission. Mr. Alfred Craft, Alligator Farmer in West Monroe, addressed the Commission. Mr. Craft stated that at a recent convention held in Baton Rouge he had tried to line up hatchlings for the ninety season and had started earlier than last year because he realized it may be a problem. Mr. Craft was informed by most of the people he made contact with in Baton Rouge that there is a great demand for the hatchlings from out of state.

Mr. Craft was wondering if there was any kind of assistance that the Louisiana farmers could receive in getting their hatchlings before they are shipped out of state. Secretary Van Sickle advised that the Commission did pass a resolution to try to prevent the out of state shipment of hatchlings and there was a temporary restraining order and the courts said that this could not be done because it was unconstitutional. Secretary Van Sickle asked Mr. Tarver if there was some way that the state could increase the share of this industry and what Louisiana is losing by taxing the alligators as they are shipped out of state because the states doesn't realize those benefits? Mr. Tarver stated that as Secretary Van Sickle pointed out the department had an injunction put against the department to prevent that activity and you cannot tax interstate commerce. With this in mind the department did the best they could and that was to charge a four dollar fee for an alligator tag if a person wanted to take one from the wild or a four dollar fee for an alligator hatchling when it was taken. After many months of trying to figure out how to tackle the problem a conclusion was reached that the only thing that could be done is charge a four dollar fee at the time of collection, whether the alligator leaves the state or not. However, after it is picked up and hatched then it becomes the property of the person who owns it. It is Mr. Tarver's understanding that you cannot prevent a person from selling to someone in Mississippi, Texas, Alabama, Breaux Bridge or any place else. Secretary Van Sickle asked if there was some way that fees could be increased on the alligators going out

of state. Mr. Tarver explained that the four dollars is going for several things and one of them is an administrative fee and if the department gets to the point to where they are charging a higher fee for those going out of state because it cost more administratively then it does to the ones in the state it would have to be justified and Mr. Tarver is not sure the department is in a posture to be able to justify this at this point in time. Mr. Tarver is completely sympathetic with the alligator people and what they are trying to do in maintaining the industry in Louisiana to let Louisiana alligator eggs hatch out and be used in Louisiana but there is a problem and that deals with the interstate transportation of these animals after they become hatched. Mr. Jones stated that as he understood Mr. Craft's situation from the brief conversation that he had with him this morning is here is a alligator farmer in Louisiana that is willing to pay market values for alligators but is unable to obtain the hatchlings to supply his farm because these alligators, through the department's funding, are sending to other states. Mr. Jones think that there is certainly some way that the state can supply the local farmers with a guarantee if there are alligators for sale and since the state is paying for all the programs that these farmers should be able to benefit from it and the alligators should not be going to Florida if local farmers are willing to pay market value. Mr. Craft is looking for market value hatchlings but nobody has them because they have large commitments out of Florida at the same price and they are shipping them pass Mr. Craft to Florida. Dr.

Hines asked Mr. Tarver if alligators that were hatched by the Louisiana Department of Wildlife and Fisheries were going out of state? Mr. Tarver stated "no", these are private individuals selling their alligators. Mr. Jones stated that he was not suggesting that the Louisiana Wildlife and Fisheries were moving their alligators out of state but are subsidizing the alligator industry with the effort that is being put into managing, biology, research and law enforcement. Mr. Jones commented that somewhere down the line the problems that farmers are having getting alligators needs to be resolved. Mr. Tarver agreed with Mr. Jones completely and very sympathetic with Mr. Craft and with what Mr. Jones is trying to say. The problem is with the interstate transportation and you cannot tax this. After further discussion on this issue Mr. Jenkins suggested that Mr. Craft and other farmers who have a problem obtaining alligators make suggestions to the department for review and maybe a solution can be found. Mr. Craft stated that he appreciated this.

Acting Chairman Jenkins asked Mr. McCall if he had an item that he would like to discuss. Mr. McCall stated that today would be the forty third day that the oyster season in Calcasieu Lake has been closed and this is mainly due to the pollution, and high water caused by all the rain and Mr. McCall asked for a thirty day extension to the oyster season. The oyster fishermen were only able to fish about nine days in the month of February. Secretary Van Sickle stated that this had come up at the last Commission

meeting and Mr. McCall ^{had} ~~did~~ specifically asked ^{OK} that extension of the season be considered. The season opens again today but will close on March 15, so there is two weeks that the oyster fishermen can fish. Mr. McCall is asking that as long as the river stages stay at a certain level where it will not pollute the waters that the season be extended because the oyster fishermen have not had a chance to work the beds. Secretary Van Sickle asked Ms. Karen Foote if she would find Ron Dugas and find out if there is any resource reason or constraints that would preclude the season from being extended for thirty days and asked Mr. Don Puckett if he would check on the legal aspects and make sure there is nothing in the law book that would prevent the Commission from doing this. Acting Chairman Jenkins asked Mr. McCall to bring this up at Friday's meeting and the Commission would act on it then .

At Friday's meeting Acting Chairman Jenkins asked Dr. Clark to discuss the oyster situation in Calcasieu Lake. Dr. Clark reported that the review of the records indicated the following. At the October 1989 Commission meeting at Toledo Bend the following resolution was passed. "BE IT FURTHER RESOLVED that the department secretary has the authority to delay the closing of the season to compensate for health closures, such delays not to extend pass April 30, 1990." and as Dr. Clark sees it there is no action that the Commission needs to take but to just instruct or ask Secretary Van Sickle to exercise the authority that was given to her at Toledo Bend and if this is done the season can be kept open until

April 30. Acting Chairman Jenkins asked Mr. McCall if this was alright with him to which he concurred.

Acting Chairman Jenkins stated that he has had a couple of inquiries from people about the department looking into licensing fishing guides. Secretary Van Sickle advised that this had been discussed but the Commission did not support it and the department was not really committed to it either so it was not part of the package. Ms. Baker advised that it was guides in general and Mr. McInnis stated that the particular bills on guides was pulled but he believed that there is still one for charter boats. Acting Chairman Jenkins stated that this is what was talking about, charter boats and asked Mr. McInnis to tell him what is happening so he can answer the people. Mr. McInnis advised that last year the charter boat industry and Representative John Glover, who is in the charter boat business actually sponsored the bill. The bill did not go very far last year as all of the revenue raising type legislation was killed immediately. This bill has come back up in the department's package for consideration this year and was resubmitted essentially in the same form as last year. Acting Chairman Jenkins commented that the people that have called him say that if a license is put on the charter boats they will go out of business and asked Mr. McInnis if the department was working on anything that would license charter boat captains or cause them to have to be tested in anyway. Secretary Van Sickle explained that the department's bill does say that if your are chartering or selling the services under charter whether you have two or twenty

people you would be required to register. This is not a revenue generating measure and what the department is trying to do is get a good handle on who is available for charter. This is has been tried on a voluntary basis where the information would be available to the public to help the charter boat industry, Louisiana and tourism in promoting fisheries. An annual fee of about twenty five dollars would be charged.

Ms. Bettsie Baker announced that she had an award that she wanted to make the Commission aware of. The Louisiana Department of Wildlife and Fisheries (one of three states) was awarded by the National Sport Shooting Foundation for its wonderful National Hunting and Fishing Day.

Secretary Van Sickle gave her report to the Commission at Friday's meeting. Secretary Van Sickle reported that they have proceeded with some of the long range plans for the department and will be meeting with the staff in about two weeks and will be sharing the information with the Commission as it develops.

Secretary Van Sickle update the Commission on the Alligator Program Coordinator. The department has gone through two list of Civil Service people that were qualified for the position and have had no takers. There were eighteen people on the last list and all worked for the department and no one on the list was interested in the job. Calling for another list and also asking Civil Service

that the department ^{the position} be given hiring authority to recruit a person from a university. ^{ed} Will be advertising in the Morning Advocate and at LSU and other universities. Mr. McCall asked if he was correct in saying that there was one person who was interested in the job but did not want to move to Baton Rouge. Secretary Van Sickle stated that she had called him personally and talked with him and ultimately he said that he would not take it. Mr. McCall asked if he would move to Rockefeller. Secretary Van Sickle answered "no" he did not want to move period. Mrs. Glenda Tarver, Personnel, is calling the Fur and Alligator Council on a weekly bases and informing them where the department is in this matter.

The department is part of the Coastal Wetlands Authority and the bill that was passed required by March 15 that the administration have the coastal wetlands plan prepared and submitted to the legislature. The department has three days last week to review a plan which had roughly forty five projects in it and a twelve page comments was prepared and sent. The department did sign the plan and it has everything from marsh management projects to freshwater diversions but noted in the letter that some of the projects that might affect fish and wildlife adversely the department was going to recommend to just not do them. This is about twenty million dollars in projects and the first year about three quarters of the projects are feasibility and project design.

There was a hearing held in New Orleans by the Congressional

Committee on pipeline safety last week advised Secretary Van Sickle. Congressman Billy Tauzin's committee on Coast Guard and Navigation held a hearing regarding pipeline safety. Those testifying were the department, shrimp industry, menhaden industry, and the oil companies with many different view expressed. At this time Secretary Van Sickle believes that Congressman Tauzin is going to introduce a bill to require that these pipelines be buried offshore and that some sort of periodic monitoring of the pipelines be required of the companies to be sure that fishermen are not killed and that there are no oil spills as the result of a ruptured pipeline.

About a year ago the Commission discussed platform removal and the problems it was causing for shrimpers with people leaving debris on the bottom of the gulf. The day the hearing was going on in New Orleans the federal government received a fax from Washington stating that ~~there are~~ new regulations, which Louisiana helped to develop for clearance of the waterbottom after a platform has been removed, were approved by Washington. The new regulations will require that a shrimper be hired and trawl across the platform location in many different directions to be sure that there is not any debris left on bottom. The fishermen are very happy about this.

A letter was received from Dr. Wright regarding the deer survey, dog hunting/still hunting, and basically he is just asserting his

opinion that some of the criticism he has taken for his survey is unwarranted and explains in a statistical sense how the survey is valid and the bottomline is that they are confident that the true percentage of hunters who are primarily still hunters is still within three percent of eighty percent.

Secretary Van Sickle updated the Commission on shell dredging. Mrs. Karen Foote is working on a letter that will go to DNR regarding mitigation of shell dredging. This is under the DNR permits where there is a provision where they give the department the shells and the department has talked about using it for shell reefs. The department asked for this last July and have not gotten any response and what we are saying in the letter to DNR is that if shell dredging mitigation is not provided per the terms of the permit within sixty days the department will suggest that the activity be suspended until mitigation is provided.

Concluding her report Secretary Van Sickle updated the Commission on where the department is legally with the appeal on shell dredging. The higher court remanded to Judge Katz's court the issue of whether the leases are valid and so there should be no shell dredging basically in the interim. This is under what is called a suspensive appeal in the Louisiana Civil Code which says that they have thirty days to ask for a rehearing. If they had not asked for a rehearing or if certain writs were not filed then a cease and desist order would have been issued yesterday but they

did ask for a rehearing. Until the courts decide on a the rehearing issue and from the time they decide on a rehearing there is another thirty day period that they have to apply for writ to the Supreme Court. The department anticipates that this could drag on for months. Mr. Don Puckett advised that a motion was filed for clarification with the Fourth Circuit just to let them know that we acknowledge their order but just do not know how to interpret it and waiting for clarification as to exactly what they intend for the department to do.

Secretary Van Sickle asked Ms. Baker if she wanted to talk about the Aircraft Policy. Ms. Baker advised that the administration of the air fleet is under her supervision and working with Mr. Jenkins and his pilot he has helped the department develop an aircraft policy which is reasonable, rational and has reporting requirements by the pilots as to what the aircraft are being used for and what are appropriate uses of the aircraft. Over the years the planes have been used for lots of thing and the department is trying to get back to the business of wildlife. Next to the Department of Forestry the Department of Wildlife and Fisheries has the largest air fleet in the state and come under quite a bit of scrutiny and as funds become more and more limited the department has to do what is appropriate in the use of the fleet and being smart money wise which has been the justification of bringing this policy into place. Most requests for aircraft go through Ms. Baker unless it is some standard operating matter which are then scheduled through

her secretary. Uses of the aircraft are looked at on a needed basis and only those uses that are felt to be justifiable and appropriate are approved. Secretary Van Sickle stated that right now DNR is using our planes but they are paying on an hourly basis. Ms. Baker advised that the Chief Pilot has been off on sick leave and the FFA will not let him fly due to his problem and as a result some things have been kind of hit or miss and are working through this policy to establish the Chief Pilot who is responsible for reporting and making sure that everything is fully complied with. Mr. Jenkins advised Ms. Baker and Secretary Van Sickle that he did spend several months when the Roemer administration started on a task force that looked at the whole aircraft business, statewide, and wrote the report for the state and DOTD. What was found out at that time was that the state owned fifty five airplanes and all of this was handled by the Department of Transportation and they were suppose to be charging for flying time and collecting and in fact what was happening they were not charging for much of it and what little they were they were not collecting. Ms. Baker advised that the department planes have only been used very limited by DNR and many of the planes have been down for various service reasons but have been working to get the fleet back in order and get it flying.

The December meeting date for the Commission was set for Thursday, December 6 and Friday, December 7, 1990. The meeting will be held in New Orleans, LA. If by the time of the December meeting the New Orleans office has moved into the new building there may be a

possibility that there would be a meeting room available in the new facility.

At Friday's meeting Mr. Danny Lazarus with the Louisiana Dog Hunters Association addressed the Commission. Mr. Lazarus recommended that if it was possible in the future years the Commission and department could give their notice of intent for the upcoming seasons before the public hearings and that way the people would know what was being suggested. Maybe the public hearings could be held at a later date. Acting Chairman Jenkins asked Mr. Bateman to comment on this. Mr. Bateman, Administrator, Game Division, stated that this was not a new idea and has been considered before. The main problem is with the Administrative Procedure in getting a hunting regulations pamphlet printed in the amount of time that is needed between the time the Administrative Procedure starts with the notice of intent and then getting to a publisher and having it done by the first of September puts the department in a bind as far as time is concerned. Mr. Bateman advised now that the public hearings are finished a staff meeting will be held next week and put together the recommendations for 1990-91. A working meeting will be held with the Commission members on the 23rd of March in Baton Rouge to present the recommendations to the them for discussion. At the April Commission meeting the plan is to present a Notice of Intent on Hunting Regulations and after sixty days if everything goes exactly right the regulations can be ratified the first of June which will

give the department ninety days to have the pamphlets printed. This year the pamphlets will be printed in state rather than having the free pamphlets done out of state. Mr. Bateman stated that he does not see any objection legally with doing the procedure the way Mr. Lazarus suggested but the department has never been able to figure out how it can be done so that if the Commission wants to react to public opinions about what the department is proposing then comes back and change regulations the Administrative Procedure will be set back and the printing of the regulations will be much later. Acting Chairman Jenkins asked if it could be done a year in advance. Mr. Bateman commented that the department at one time said they would not change the deer seasons and stated so in the pamphlet but when the department went with a different format about a year or two ago it changed. Dr. Hines suggested that maybe changing the format a little that the staff met in January and make proposed recommendations, hold three public hearings in February and March, Commission would meet to consider the department proposals plus the input from the public hearings at the end of March and then get back on the same timetable. Mr. Bateman stated that it could be done this way but if you do it this way there will be no harvest information for the previous year, and the hunting seasons are not finished in January. Acting Chairman Jenkins asked if the three hearings were required by law. Mr. Bateman answered that these hearings were at the pleasure of the Commission and there are different ways that these public hearings can be done. Acting Chairman Jenkins asked ~~if~~ the Commission to have Secretary

Van Sickles give a report on the feasibility of making changes to this procedure at the next Commission.

Mr. Jones stated that Mr. Bob Mitchem has requested to address the Commission and read a letter so that it would become part of the record. Mr. Mitchem is State President of the Louisiana Black Bass Unlimited. This is relatively a new organization in the state and has been in existence a little over two years. Mr. Mitchem read the following letter.

"Wildlife and Fisheries Commission

Re: Black Bass Management Plan

Gentlemen:

As one of the two largest organizations representing bass fishermen in Louisiana, LBBU would like to take this opportunity to express its support for the recently proposed Black Bass Management Plan. The Association of Louisiana Bass Clubs, ALBC, has previously made it a matter of public record that their membership also endorses this proposal. It is LBBU's hope upon reviewing all the pertinent facts and public comments the Wildlife Commission review the proposal in a favorable light. While we realize that no plan can satisfy every fishermen and every section of the state we do feel that the management plan in its original form offers a workable compromise that will serve as a starting point from which the

Louisiana Department of Wildlife and Fisheries can institute further changes as biological data and research indicates. We hardly applaud the many positive changes which have occurred within the department of fisheries since inception of the present administration. The fishing public has not only been allowed to comment but has also encouraged to participate in the decision making process through the formation of the task force composed knowledgeable sportsmen whose suggestions are an integral part of the plan. The adoption of this new management proposal will be a momentous step in Louisiana's evolution towards more progressive managements of its unique natural resources.

Sincerely,

Bob Mitchem

State President"

Lease

At Friday's meeting Acting Chairman Jenkins called for a short recess for ten or fifteen minutes while the Commission goes into Executive Session to discuss the oyster ~~lease~~ suit. Mr. Vujnovich stated that since he was an oysterman and was involved in the oyster lease suit that he be excused from attending a session until he has received legal advice. Dr. Hines made a motion to waive the rule for the Commission to go into Executive Session for approximately ten to fifteen minutes. The motion was seconded by Mr. Jones and passed unanimously.

The Commission resumed the March Commission meeting and confirmed the April date for the Commission meeting which will be April 5-6, 1990 to be held in Baton Rouge at the Wildlife and Fisheries Building on Quail Drive.

There being no further business Mr. Vujnovich made a motion that the March Commission meeting be adjourned. This was seconded by Mr. Jones and passed unanimously. The meeting adjourned.

Virginia Van Sickle
Secretary

VVS:sb